

SCHOOL IAQ MANAGEMENT PROGRAMS

OVERVIEW OF STATE LAWS

Environmental Law Institute

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Why is this Issue Important for School Environmental Health?

School districts are responsible for addressing a broad array of facility conditions that may affect indoor air quality. Given the potential impacts of poor IAQ on health, absenteeism, and district budgets, school districts can benefit greatly by institutionalizing a system for preventing and effectively addressing IAQ problems. One approach to putting such a system in place is the implementation of an IAQ Management Program – a set of policies and practices for addressing a wide range of IAQ issues.

The U.S. EPA's *Indoor Air Quality Tools for Schools* guidance provides a framework for establishing a comprehensive IAQ Management Program that incorporates elements such as: establishing an IAQ team and IAQ coordinator; conducting school walk-throughs; developing a written IAQ Management Plan and related policies; and identifying, prioritizing and resolving problems. The *IAQ Tools for Schools* Framework for Effective School IAQ Management synthesizes the accumulated learning of model school districts around the country and is designed to promote the proven approaches and strategies for IAQ management that advance environmental health in schools. Comprised of programmatic Key Drivers and Technical Solutions, the Framework gives all schools — regardless of location, size, budget or condition — the opportunity to launch, reinvigorate and sustain an effective IAQ management program. The Minnesota Department of Health has developed a model comprehensive IAQ Management Plan that is adapted from the *IAQ Tools for Schools* guidance.

For more information from the U.S. EPA and the state of Minnesota, see www.epa.gov/iaq/schools and <http://www.health.state.mn.us/divs/eh/indoorair/schools/>.

For more information on this topic from ELI, see http://www.elistore.org/reports_detail.asp?ID=11357.

What Types of State Policies are Included in this Overview?

This Overview includes state laws and regulations that explicitly address the adoption by a school or school district of an IAQ Management Program, though it does not necessarily include all such policies. The laws and regulations described below use terms such as “IAQ Management Program,” “IAQ Program” or “IAQ Plan,” and many explicitly reference EPA’s *IAQ Tools for Schools* guidance. Some of the measures strictly *require* school districts to adopt an IAQ Management Program (for some or all schools, generally or as a condition of state aid), while others encourage or facilitate their adoption.

Though many states have laws that require school districts to develop some type of facility maintenance plan, this Overview does *not* include such laws or regulations unless they explicitly require that the plans broadly address IAQ elements. Similarly, the Overview does not include state guidance, templates or other materials in the absence of a related state law or regulation addressing IAQ management.

States included in the summary chart below: **AL, CT, DC, MN, NH, NJ, NM, NY, RI, TN, TX, WA, WI**

SCHOOL IAQ MANAGEMENT PROGRAMS		
STATE & CITATION	SUMMARY OF LAW/REGULATION	LAW REQUIRES IAQ MANAGEMENT PROGRAM/PLAN?
ALABAMA 2007 Al. House Resolution No. 625	This Alabama legislative resolution urges the state education agency to adopt EPA's <i>IAQ Tools for Schools</i> guidance for use in all public schools. The Resolution also urges local school boards to use the EPA guidance to implement an IAQ inspection and evaluation program.	NO
CONNECTICUT Ct. Gen. Stat. § 10-220	Connecticut law requires local or regional boards of education to adopt and implement an IAQ program that "provides for ongoing maintenance and facility reviews necessary for the maintenance and improvement of the indoor air quality of its facilities." The law does not specify a template or model program, but requires boards of education to report triennially to the state Commissioner of Construction Services on facility conditions and on actions taken to implement their IAQ program.	YES
DISTRICT OF COLUMBIA D.C. Code § 38-825.01	D.C. law establishes an environmental programs office in the D.C. Department of General Services that is charged with, among other things, promoting EPA's <i>IAQ Tools for Schools</i> guidance, in order to "reduce exposure to environmental factors that impact asthma among children and adults in public schools."	NO
MINNESOTA Mn. Stat. § 123B.595	Minnesota education law provides that in order to qualify for long-term facilities maintenance revenue, school districts must update annually and submit biennially a 10-year facility plan that includes provisions for implementing a health and safety program that complies with best practices for IAQ management. The law provides that revenue may be used for, among other things, HVAC upgrades, mold abatement, and PCB cleanup and disposal.	YES
NEW HAMPSHIRE N.H. Rev. Stat. § 200:11-a	New Hampshire education law requires school principals to conduct an annual IAQ investigation of all school buildings. Schools must use a checklist provided by the state Department of Education and must file the completed checklists with the Department, the school board, and the local health officer. The law also requires the Department to encourage public schools to implement EPA's <i>IAQ Tools for Schools</i> guidance and to ensure that every school has a copy of the EPA materials. The School IAQ Checklist created by the Department pursuant to the law states that schools are required to have a current IAQ	NO

	<i>Tools for Schools</i> kit; the checklist also asks whether school districts have a kit and whether they use it.	
NEW JERSEY N.J. Stat. §§ 34:6A-1, et seq; N.J. Admin. Code § 12:100-13.3	This occupational safety and health law requires that every employer furnish a place of employment that is reasonably safe and healthful for employees and authorizes the state to adopt rules. The rules promulgated under the law establish safety and health standards for public workplaces, including schools, and include a broad set of requirements related to indoor air quality. Under the rules, public employers must develop a written plan describing how it will achieve compliance with these IAQ requirements. The plan must include the identity and responsibilities of a school-designated IAQ coordinator, a preventive maintenance schedule, a complaints process, record-keeping procedures, and plans for addressing microbial and other air contaminants, and for addressing IAQ during renovations.	YES
NEW MEXICO N.M. Stat. § 22-20-1	New Mexico law appropriated \$300,000 to be expended during fiscal years 2007 and 2008 for the purpose of improving indoor air quality in schools by implementing EPA's <i>IAQ Tools for Schools</i> guidance in New Mexico.	NO
NEW YORK N.Y. Educ. Law §§ 409-d, 409-e; 8 N.Y. Code Rules & Regs. § 155.4	New York law requires the Commissioner of Education to establish, develop and monitor a comprehensive public school building safety program that includes a uniform inspection and monitoring system. Pursuant to regulations implementing the law, school districts must conduct annual inspections, prepare facility report cards, and have in place a comprehensive maintenance plan that includes "maintenance procedures and guidelines which will contribute to acceptable indoor air quality." The state Education Department has developed a template that school districts may use in fulfilling the requirement for a comprehensive maintenance plan. The template includes questions about whether the district and facility are implementing certain IAQ-related elements, including: EPA's <i>IAQ Tools for Schools</i> guidance; HVAC operation and maintenance practices; reduction of hazardous chemicals; and measurements for CO, CO ₂ , relative humidity, VOCs and radon. (2014 legislation amended N.Y. Educ. Code § 409-d to remove the statutory requirement for an annual visual inspection of schools until 2019.)	NO
RHODE ISLAND R.I. Admin. Code § 21-2-41:1.04	Rhode Island education regulations establish standards for the design and construction/renovation of schools when the total cost of the project exceeds \$500,000. Pursuant to the regulations, projects must comply with all requirements set forth in the most recent version of the Northeast Collaborative for High Performance Schools Protocol (Northeast-CHPS). Northeast-CHPS requires, among other things, implementation of EPA's <i>IAQ Tools for Schools</i> guidance or an equivalent indoor health & safety program in the renovated school. NE-CHPS also requires that the school designate a trained staff person as a point of contact for the <i>IAQ Tools for Schools</i> guidance or its equivalent.	YES
TENNESSEE Tn. Code § 49-2-121	Tennessee law encourages local education agencies to implement an IAQ inspection and evaluation program, such as EPA's <i>IAQ Tools for Schools</i> guidance, which may address ventilation, radon, relative humidity, separation of students and staff from construction, and reduced use of cleaning and maintenance products. In addition, the law requires that school districts and	NO

	schools encourage the scheduling of maintenance, cleaning, repair and other projects at times when students and teachers will not be impacted by chemicals, fumes, vehicle exhaust, room fresheners, aerosol sprays, and other chemicals and particulate matter. The law also directed the state Department of Education to compile a statewide survey of IAQ in public schools by 2006.	
TEXAS 19 Tx. Admin. Code § 61.1036	Texas education regulations establishing school facility construction standards include a provision stating that school districts “should use” the state’s voluntary IAQ guidelines, as well as EPA’s <i>IAQ Tools for Schools</i> guidance.	NO
WASHINGTON Eng. Subs. Sen. Bill 6244 (Chap. 6, Laws of 1994)	Washington legislation authorized \$70,000 for the Office of the Superintendent of Public Instruction to work with the Department of Health to develop best management practices for improving IAQ in schools. The resulting School IAQ Best Management Practices Manual discusses a wide range of IAQ practices, including the establishment by school districts of an IAQ Management Plan. The manual outlines the elements of a plan and the steps for developing and implementing a plan. The state’s Health and Safety Guide for K-12 Schools recommends that schools consult the state manual.	NO
WISCONSIN Wi. Stat. § 118.075	Wisconsin law requires the state Department of Public Instruction to establish a model management plan and practices for maintaining indoor environmental quality in public and private schools. The law requires each public school district to develop a plan for maintaining IEQ in its schools within three months of issuance of the state model plan and to implement the plan within the following nine months. (A separate law – Wi. Stat. §119.23(7)(g) – extends the requirement to certain private schools.) The Department’s IEQ Management Plan template incorporates a variety of elements, including an IEQ coordinator, a communications plan, a complaint resolution process, maintenance/operations procedures, and IEQ policies.	YES

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