IAQ DURING SCHOOL RENOVATIONS
OVERVIEW OF STATE LAWS

Part of the ELI Series

Topics in School Environmental Health: Overview of State Laws

Environmental Law Institute

Why is this Issue Important for School Environmental Health?

Renovation of occupied school buildings can expose students and staff to a range of harmful substances. Air pollutants generated during renovation may include: lead, asbestos or other toxic materials released during demolition; dust and fumes from construction activities; and chemicals emitted from new building materials and products. In addition to occupational safety and health protections for construction workers, actions can be taken before and during renovation to prevent occupant exposure to pollutants – e.g., scheduling certain work during unoccupied periods, sealing work areas, using appropriate ventilation, controlling dust, cleaning work areas, etc.

For more information about IAQ and school renovations from the U.S. EPA, see https://www.epa.gov/iaq-schools.

What Types of State Policies are Included in this Overview?

This Overview includes state laws and regulations that require measures to protect *occupants* from pollutant exposures during renovation and construction of occupied school facilities, though it does not necessarily include all such policies. The Overview does not cover laws and regulations addressing worker health and safety. State manuals or other agency documents are not included in the absence of a related law or regulation that explicitly requires or authorizes the state to address IAQ during renovations. Thus, states such as Ohio and New Hampshire, which have created school design/construction manuals that require IAQ management during renovations, are not included in the chart below.

The laws and regulations included in this Overview address practices for managing a broad range of potential pollutants, rather than individual substances such as asbestos or lead. Many of the policies reference the Sheet Metal and Air Conditioning Contractors' National Association's *Indoor Air Quality Guidelines for Occupied Buildings under Construction* (hereinafter "SMACNA IAQ Guidelines"), which incorporate management of air pollutant sources, control measures, quality control and documentation, communication with occupants, and other best practices.

States included in the summary chart below: **AZ, CO, CT, IN, MA, MS, NJ, NY, RI, VT**

	IAQ DURING RENOVATIONS

STATE CITATION	SUMMARY OF LAW/REGULATION
ARIZONA Az. Rev. Stat. § 15-2132	Arizona education law establishes that the state school facilities board may not approve a school building project if the plans do not incorporate indoor air quality guidelines in accordance with the SMACNA IAQ Guidelines.
COLORADO Co. Rev. Stat. § 25-1.5-101; 6 Co. Code Regs. § 1010-6:6.8	Colorado health law authorizes the Department of Public Health and Environment to establish and enforce sanitary standards for the operation and maintenance of schools. Department regulations require that "exposure to noise, dusts, toxic chemicals, or other hazards shall be controlled at all times including when the building or portion thereof is occupied during construction or remodeling."
CONNECTICUT Ct. Gen. Stat. § 10-291	Connecticut education law establishes that the Department of Construction Services may not approve a school building major alteration, renovation or extension project unless the plans incorporate the SMACNA IAQ Guidelines. This requirement is also incorporated into state regulations (Ct. Admin. Code § 16a-38k-3) establishing high performance building standards for certain new school construction and renovation projects that receive state funding.
INDIANA In. Code § 16-41-37.5*;* 410 In. Admin. Code § 33-4-10	Indiana health law requires the Department of Health to establish an IAQ inspection, evaluation, and parent/employee notification program, to establish best practices for ensuring healthful IAQ in schools, and to inspect a school after receiving a complaint. Health regulations implementing the law require that during school building renovations or additions, steps must be taken to ensure that pollutants from the construction area do not enter occupied spaces. The regulation lists several steps that may be taken to meet this requirement.
MASSACHUSETTS 963 Code Ma. Regs. § 2.04	Massachusetts school construction regulations require applicants for state funding for school building projects to implement containment procedures for dusts, gases, fume and other pollutants created during construction if the building is occupied during renovation and construction. Containment procedures must be consistent with the SMACNA IAQ Guidelines, and bids and proposals for the project must include the costs of the containment procedures.
MISSISSIPPI Ms. Code § 37-11-71	Pursuant to Mississippi law, the state Department of Education must require each public school district to require their local school health councils to adopt and support the implementation of a local school wellness policy that minimizes children's exposure to dust, gases, fumes and other pollutants that can aggravate asthma. The wellness policy must, among other things, require all school construction projects to implement containment procedures for dusts, gases, fumes and other pollutants that trigger asthma.
NEW JERSEY N.J. Stat. §§ 34:6A-1, et seq; N.J. Admin. Code § 12:100-13.5	New Jersey occupational safety and health law requires every employer to 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. Under the rules, renovation and/or new construction work in occupied buildings must be isolated, and air contaminants, dust and debris must be confined to the work area.
NEW YORK	

8 N.Y. Code Rules & Regs. § 155.5	New York state education regulations establish safety standards for school construction and maintenance projects. The regulations include requirements for, among other things; separation of construction areas from occupied areas; prevention of the passage of dust and contaminants to occupied areas; maintenance of adequate ventilation to occupied spaces; adequate exhausting of chemical fumes; and provision for off-gassing of VOCs from materials. The regulations require local boards of education and boards of cooperative educational services to include appropriate procedures for protecting the health of building occupants in final construction documents for bidding. The boards must also provide notification to parents, staff and the community in advance of a construction project.
RHODE ISLAND R.I. Admin. Code § 200-RICR-20-05-4.1 et seq.	Rhode Island education regulations establish standards for the design and construction/renovation of schools where 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, that if a building or portion of a building is to be occupied during the construction or renovation process, the project must meet or exceed the recommended design approaches of the SMACNA IAQ Guidelines.
VERMONT Vt. Admin. Code § 7-1-14:6131	This regulation, which applies to building projects eligible for state aid, requires school boards to adopt a plan that addresses IAQ during all phases of construction/renovation. According to the regulation, this plan may include provision for containment and proper exhaust of job-site pollutants, as well as temporary modification to the ventilation system.

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