

AMENDED IN SENATE AUGUST 6, 2002

AMENDED IN SENATE JUNE 19, 2002

AMENDED IN ASSEMBLY MAY 23, 2002

AMENDED IN ASSEMBLY APRIL 22, 2002

AMENDED IN ASSEMBLY APRIL 11, 2002

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

ASSEMBLY BILL

No. 2223

Introduced by Assembly Member Keeley

February 20, 2002

An act to add Article 1.5 (commencing with Section 17227.10) to Chapter 1 of Part 10.5 of the Education Code, relating to public schools.

LEGISLATIVE COUNSEL'S DIGEST

AB 2223, as amended, Keeley. School indoor air quality.

Existing law sets forth various requirements relating to school facilities, including, but not limited to, siting, structural integrity, and hazardous materials.

This bill would require the Secretary of the State and Consumer Services Agency, in consultation with the State Department of Education, the State Department of Health Services, the State Air Resources Board, the Office of Environmental Health Hazard Assessment, the Office of Public School Construction, the Office of the State Architect, ~~the and~~ representatives from school district facility departments, ~~school maintenance departments~~ *the public*, and *representatives from* statewide educational organizations, as

prescribed, to develop and distribute, by January 1, 2004, a list of voluntary construction, modernization, and maintenance guidelines to protect and enhance indoor air quality in public schools. The bill would require school district governing boards to vote within 6 months after the distribution of the routine maintenance guidelines whether to adopt these guidelines, and would require school districts and individual schools to make inspection records and certificates available, upon request, for public inspection. By establishing these requirements, this bill would impose a state-mandated local program.

This bill, in addition, would provide that no school district shall be required to adopt the guidelines, or be denied funding or a benefit for refusing to adopt the guidelines.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of the
2 following:

3 (a) In 1996, General Accounting Office found that California's
4 schools ranked as the worst in the nation for indoor environmental
5 conditions, including lighting, heating, noise, and air quality, with
6 29 percent of California schools being reported with
7 unsatisfactory ventilation and 22 percent being reported with
8 unsatisfactory air quality.

9 (b) In 1999, the Coalition for Adequate School Housing
10 (CASH) found that nearly 40 percent of school districts sampled
11 in a survey had received complaints about air quality, principally



1 due to moisture, poor ventilation, mold, and inadequate
2 maintenance.

3 (c) In 1999, a report by the Environmental Working Group, a
4 public interest group, suggested that children in portable
5 classrooms in California are exposed to higher levels of volatile
6 organic compounds, toxic chemicals, and mold.

7 (d) In 2002, the State Air Resources Board reported that some
8 California classrooms have levels of formaldehyde, a carcinogen,
9 that exceed the Office of *Environmental Health Hazard*
10 Assessment's acute reference exposure level, the level at which a
11 one-hour exposure can result in irritant effects and initiation of
12 immune system response.

13 (e) More than 20 state agencies and departments, led by the
14 State and Consumer Services Agency, have developed a plan to
15 promote energy conservation and air quality improvement for new
16 state buildings, most notably the multibuilding Capitol Area
17 East-End Project.

18 (f) In 2001, the United States Green Building Council, a private
19 organization, developed a voluntary self-assessment checklist for
20 rating air quality in existing buildings.

21 (g) The California Collaborative for High Performance
22 Schools, a public-private partnership, provides incentives for
23 participating schools to achieve better air quality and other
24 environmental objectives through more effectively designed
25 ventilation systems and through regular maintenance.

26 (h) The Federal Environmental Protection Agency has
27 developed voluntary guidelines (tools for schools) to prevent and
28 solve indoor air quality problems with minimal cost and
29 involvement.

30 (i) It is the policy of this state that school facilities be designed
31 and operated using reasonably available measures to provide a
32 healthy indoor environment for pupils, including, but not limited
33 to, healthy indoor air quality and adequate ventilation with
34 outdoor air.

35 SEC. 2. Article 1.5 (commencing with Section 17227.10) is
36 added to Chapter 1 of Part 10.5 of the Education Code, to read:
37



Article 1.5. Indoor Air Quality

1
2
3 17227.10. (a) By January 1, 2004, the Secretary of the State
4 and Consumer Services Agency, in consultation with the State
5 Department of Education, the State Department of Health
6 Services, the State Air Resources Board, the Office of
7 Environmental Health Hazard Assessment, the Office of Public
8 School Construction, the Office of the State Architect,
9 representatives from school district facility departments, *the*
10 *public*, and representatives from statewide educational
11 organizations, shall ~~develop and distribute a list of voluntary~~
12 ~~guidelines for public school construction or modernization~~
13 ~~projects, including, but not limited to, portable classrooms, to~~
14 ~~protect and enhance indoor air quality.~~
15 (b) ~~The guidelines developed pursuant to subdivision (a) shall~~
16 ~~include, at a minimum, cost-effective measures designed to do all~~
17 ~~of the following:~~
18 (1) ~~Promote, to the extent possible, the selection and use of~~
19 ~~building materials that will not unnecessarily degrade indoor air~~
20 ~~quality, considering product efficacy, durability, safety, cost,~~
21 ~~energy efficiency, and the needs of the purchaser.~~
22 (2) ~~Promote, to the extent possible, the selection of~~
23 ~~air conditioning, heating, and ventilation systems that will not~~
24 ~~produce noise levels that would interfere with school activities,~~
25 ~~considering product efficacy, durability, safety, cost, energy~~
26 ~~efficiency, and the needs of the purchaser.~~
27 (3) ~~Avoid the accumulation of contaminants within ductwork~~
28 ~~and other spaces during construction or renovation that could~~
29 ~~degrade indoor air quality.~~
30 (4) ~~Remove contaminants upon completion of construction or~~
31 ~~modernization.~~
32 (5) ~~Promote the effective operation and maintenance of~~
33 ~~heating, ventilation, and air conditioning systems.~~
34 (c) ~~The Secretary of the State and Consumer Services Agency,~~
35 ~~in consultation with the entities set forth in subdivision (a), may~~
36 ~~annually revise, if deemed necessary, the guidelines developed~~
37 ~~pursuant to this section.~~
38 17227.15. ~~(a) By January 1, 2004, the Secretary of the State~~
39 ~~and Consumer Services Agency, in consultation with the State~~
40 ~~Department of Education, the State Department of Health~~



1 ~~Services, the State Air Resources Board, the Office of~~
2 ~~Environmental Health Hazard Assessment, members of the~~
3 ~~public, representatives from school district maintenance~~
4 ~~departments, and representatives from statewide educational~~
5 ~~organizations, shall develop and distribute a list of voluntary~~
6 ~~guidelines for routine maintenance to protect and enhance indoor~~
7 ~~air quality in public schools.~~

8 ~~(b) The guidelines published pursuant to subdivision (a) shall~~
9 ~~include, at a minimum, cost-effective measures designed to do all~~
10 ~~of the following:~~

11 ~~(1) Promote the proper operation and maintenance of heating,~~
12 ~~ventilation, and air conditioning systems, including timing and~~
13 ~~minimum criteria for routine inspections, cleaning, and~~
14 ~~replacement of filters.~~

15 ~~(2) Avoid unnecessary accumulation of moisture that could~~
16 ~~lead to mold growth.~~

17 ~~(3) Promote, to the extent possible, the selection, use, and~~
18 ~~proper storage of cleaning and maintenance materials that will not~~
19 ~~unnecessarily degrade indoor air quality, considering product~~
20 ~~efficacy, durability, safety, cost, energy efficiency, and the needs~~
21 ~~of the purchaser.~~

22 ~~(c) The Secretary of the State and Consumer Services Agency,~~
23 ~~in consultation with the entities set forth in subdivision (a), may~~
24 ~~annually revise, if deemed necessary, the guidelines developed~~
25 ~~pursuant to this section.~~

26 ~~17227.20.— do all the following:~~

27 ~~(1) Develop and distribute a list of voluntary guidelines for~~
28 ~~public school construction or modernization projects, including,~~
29 ~~but not limited to, portable classrooms, to protect and enhance~~
30 ~~indoor air quality. The guidelines developed pursuant to this~~
31 ~~subdivision shall include, at a minimum, cost-effective measures~~
32 ~~designed to do all of the following:~~

33 ~~(A) Promote, to the extent possible, the selection and use of~~
34 ~~building materials that will not unnecessarily degrade indoor air~~
35 ~~quality, considering product efficacy, durability, safety, cost,~~
36 ~~energy efficiency, and the needs of the purchaser.~~

37 ~~(B) Promote, to the extent possible, the selection of~~
38 ~~air-conditioning, heating, and ventilation systems that will not~~
39 ~~produce noise levels that would interfere with school activities,~~



1 *considering product efficacy, durability, safety, cost, energy*
2 *efficiency, and the needs of the purchaser.*

3 *(C) Avoid the accumulation of contaminants within ductwork*
4 *and other spaces during construction or renovation that could*
5 *degrade indoor air quality.*

6 *(D) Remove contaminants upon completion of construction or*
7 *modernization.*

8 *(E) Promote the effective operation and maintenance of*
9 *heating, ventilation, and air-conditioning systems.*

10 *(2) Develop and distribute a list of voluntary guidelines for*
11 *routine maintenance to protect and enhance indoor air quality in*
12 *public schools. The guidelines published pursuant to this*
13 *paragraph shall include, at a minimum, cost-effective measures*
14 *designed to do all of the following:*

15 *(A) Promote the proper operation and maintenance of heating,*
16 *ventilation, and air-conditioning systems, including timing and*
17 *minimum criteria for routine inspections, cleaning, and*
18 *replacement of filters.*

19 *(B) Avoid unnecessary accumulation of moisture that could*
20 *lead to mold growth.*

21 *(C) Promote, to the extent possible, the selection, use, and*
22 *proper storage of cleaning and maintenance materials that will not*
23 *unnecessarily degrade indoor air quality, considering product*
24 *efficacy, durability, safety, cost, energy efficiency, and the needs of*
25 *the purchaser.*

26 *(b) The Secretary of the State and Consumer Services Agency,*
27 *in consultation with the entities set forth in subdivision (a), may*
28 *annually revise, if deemed necessary, the guidelines developed*
29 *pursuant to this section.*

30 *17227.15. (a) Within six months after the distribution of new*
31 *or revised guidelines for routine maintenance pursuant to Section*
32 *~~17227.15~~ paragraph (2) of subdivision (a) of Section 17227.10,*
33 *the governing board of each school district shall vote at a regularly*
34 *scheduled public hearing whether to adopt the guidelines.*

35 *(b) School districts and individual schools shall make any*
36 *existing inspection records for heating, ventilation, and*
37 *air-conditioning systems available, upon request, for public*
38 *inspection.*

39 ~~*17227.25.*~~



1 17227.20. Nothing in this article shall be deemed to require a
2 school district to adopt the guidelines developed pursuant to this
3 article. No state agency shall use a decision by a school district not
4 to adopt these guidelines as a basis to disqualify the school district
5 from receiving any funding or other benefit from that agency, or
6 to terminate or make the school district ineligible to receive any
7 funding or benefit.

8 SEC. 3. Notwithstanding Section 17610 of the Government
9 Code, if the Commission on State Mandates determines that this
10 act contains costs mandated by the state, reimbursement to local
11 agencies and school districts for those costs shall be made pursuant
12 to Part 7 (commencing with Section 17500) of Division 4 of Title
13 2 of the Government Code. If the statewide cost of the claim for
14 reimbursement does not exceed one million dollars (\$1,000,000),
15 reimbursement shall be made from the State Mandates Claims
16 Fund.

