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REFERENCE TITLE: school buildings; air quality

State of Arizona
House of Representatives
Forty-sixth Legislature
Second Regular Session
2004

HB 2272

Introduced by
Representatives Gullett, Hershberger, Landrum Taylor, O'Halleran,
Carruthers, Clark, Senators Allen, Giffords

AN ACT

**AMENDING TITLE 15, CHAPTER 16, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 9;
RELATING TO INDOOR AIR QUALITY IN SCHOOLS.**

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 15, chapter 16, Arizona Revised Statutes, is amended
3 by adding article 9, to read:

4 ARTICLE 9. INDOOR AIR QUALITY IN SCHOOLS

5 15-2131. Definitions

6 IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

7 1. "BIOAEROSOLS" MEANS MICROBIOLOGICAL AIRBORNE PARTICLES, INCLUDING
8 FUNGI, MOLD AND BACTERIA.

9 2. "HVAC SYSTEM" MEANS THE EQUIPMENT, DISTRIBUTION NETWORK AND
10 TERMINALS THAT PROVIDE, EITHER COLLECTIVELY OR INDIVIDUALLY, THE PROCESS OF
11 HEATING, VENTILATION OR AIR CONDITIONING TO A BUILDING.

12 3. "INDOOR AIR QUALITY IMPROVEMENT" MEANS THE REMEDIATION OF ANY
13 DOCUMENTED INDOOR ENVIRONMENTAL QUALITY DEFICIENCY NOT SPECIFICALLY COVERED
14 UNDER A HEALTH, SAFETY OR BUILDING CODE BASED ON A DETERMINATION BY AN AGENCY
15 OF THIS STATE THAT HAS JURISDICTION OVER SUCH MATTERS OR THE ALTERATION OF
16 ANY ACTIVITY THAT RESULTS IN A REDUCTION OF THE CONTRIBUTION OF CHEMICALS,
17 ODORS, PARTICLES OR BIOAEROSOLS TO THE AIR PATHWAY.

18 4. "INDOOR ENVIRONMENTAL QUALITY" MEANS THE QUALITY OF FACETS OF THE
19 ENVIRONMENT THAT AFFECT THE HEALTH OF THE OCCUPANTS OF SCHOOL FACILITIES,
20 INCLUDING AIR QUALITY, WATER QUALITY, LIGHTING AND NOISE.

21 5. "SCHOOL ACTIVITY HOURS" MEANS THE TIME OF DAY IN WHICH STUDENTS OR
22 SCHOOL PERSONNEL OCCUPY SCHOOL FACILITIES.

23 6. "STANDARD 62" MEANS THE AMERICAN SOCIETY OF HEATING, VENTILATING,
24 REFRIGERATION AND AIR CONDITIONING ENGINEERS STANDARD 62 ENTITLED
25 "VENTILATION FOR ACCEPTABLE INDOOR AIR QUALITY".

26 15-2132. Indoor air quality requirements

27 A. WHEN THE SCHOOL FACILITIES BOARD APPROVES THE CONSTRUCTION OR
28 RENOVATION OF A SCHOOL BUILDING, THE SCHOOL FACILITIES BOARD SHALL CONDUCT A
29 PHASE I ENVIRONMENTAL SITE ASSESSMENT IN ACCORDANCE WITH THE AMERICAN SOCIETY
30 FOR TESTING AND MATERIALS STANDARD E1527, STANDARD PRACTICE FOR ENVIRONMENTAL
31 SITE ASSESSMENTS: PHASE I ENVIRONMENTAL SITE ASSESSMENT PROCESS.

32 B. THE SCHOOL FACILITIES BOARD SHALL NOT APPROVE A SCHOOL BUILDING
33 PROJECT IF ANY OF THE FOLLOWING CONDITIONS EXIST:

34 1. THE PHASE I ENVIRONMENTAL SITE ASSESSMENT INDICATES THAT THE SITE
35 CANNOT MEET, WITHIN REASONABLE EXPENDITURES, THE SAME CRITERIA ESTABLISHED
36 FOR RESIDENTIAL PROPERTIES.

37 2. THE PLANS INCORPORATE FLAT ROOF CONSTRUCTION THAT DOES NOT HAVE
38 ADEQUATE PITCH TOWARDS DRAINS IN ORDER TO PREVENT POOLING OF WATER.

39 3. THE PLANS DO NOT INCORPORATE THE SHEET METAL AND AIR CONDITIONING
40 CONTRACTORS NATIONAL ASSOCIATION'S PUBLICATION ENTITLED "INDOOR AIR QUALITY
41 GUIDELINES FOR OCCUPIED BUILDINGS UNDER CONSTRUCTION".

42 C. EACH SCHOOL DISTRICT GOVERNING BOARD THAT INSTALLED OR RENOVATED
43 ITS HVAC SYSTEM ON OR AFTER THE DATE OF THE ADOPTION OF STANDARD 62 SHALL
44 ENSURE THAT ITS HVAC SYSTEM MEETS BOTH OF THE FOLLOWING REQUIREMENTS:

45 1. IS MAINTAINED AND OPERATED IN ACCORDANCE WITH STANDARD 62.

1 2. IS OPERATED CONTINUOUSLY DURING SCHOOL ACTIVITY HOURS EXCEPT DURING
2 SCHEDULED MAINTENANCE AND EMERGENCY REPAIRS AND EXCEPT DURING PERIODS FOR
3 WHICH SCHOOL OFFICIALS CAN DEMONSTRATE TO THE GOVERNING BOARD'S SATISFACTION
4 THAT THE QUANTITY OF OUTDOOR AIR SUPPLIED BY AN AIR SUPPLY SYSTEM THAT IS NOT
5 MECHANICALLY DRIVEN MEETS THE STANDARD 62 REQUIREMENTS FOR AIR CHANGES PER
6 HOUR.

7 D. EACH SCHOOL DISTRICT GOVERNING BOARD THAT INSTALLED OR RENOVATED
8 ITS HVAC SYSTEM BEFORE THE DATE OF THE ADOPTION OF STANDARD 62 SHALL ENSURE
9 THAT ITS HVAC SYSTEM IS MAINTAINED AND OPERATED IN ACCORDANCE WITH THE
10 PREVAILING MAINTENANCE AND STANDARDS AT THE TIME OF THE INSTALLATION OR
11 RENOVATION OF THE HVAC SYSTEM.

12 E. THE SCHOOL FACILITIES BOARD SHALL NOT INCLUDE THE AREA NECESSARY TO
13 SUPPORT AN HVAC SYSTEM IN ANY CALCULATION OF SQUARE FOOTAGE PURSUANT TO THIS
14 CHAPTER.

15 F. NO APPLICATION FOR A SCHOOL BUILDING PROJECT AUTHORIZED FOR THE
16 PURPOSE OF REMEDIATION OF ANY DOCUMENTED INDOOR ENVIRONMENTAL QUALITY
17 DEFICIENCY MAY BE ACCEPTED UNLESS THE APPLICATION IS ACCOMPANIED BY A REPORT
18 ON A REVIEW, INSPECTION OR EVALUATION OF EACH OF THE FOLLOWING:

- 19 1. RADON LEVELS IN THE WATER AND THE AIR.
- 20 2. POTENTIAL FOR EXPOSURE TO BIOAEROSOLS.
- 21 3. CHEMICAL COMPOUNDS OF CONCERN TO INDOOR AIR QUALITY, INCLUDING
22 VOLATILE ORGANIC COMPOUNDS.
- 23 4. THE DEGREE OF PEST INFESTATION, INCLUDING INSECTS AND RODENTS.
- 24 5. THE DEGREE OF PESTICIDE USAGE.
- 25 6. THE PRESENCE OF, AND THE PLANS FOR REMOVAL OF, ANY HAZARDOUS
26 SUBSTANCES THAT ARE CONTAINED ON THE LIST PREPARED PURSUANT TO SECTION 302 OF
27 THE FEDERAL EMERGENCY PLANNING AND COMMUNITY RIGHT-TO-KNOW ACT (42 UNITED
28 STATES CODE SECTION 9601).
- 29 7. VENTILATION SYSTEMS.
- 30 8. PLUMBING, INCLUDING WATER DISTRIBUTION SYSTEMS, DRAINAGE SYSTEMS
31 AND FIXTURES.
- 32 9. THE USE OF SPACE, PARTICULARLY AREAS THAT WERE DESIGNED TO BE
33 UNOCCUPIED.

34 G. FOR ANY PROJECT TO CORRECT INDOOR AIR QUALITY DEFICIENCIES, THE
35 SCHOOL FACILITIES BOARD MAY WITHHOLD APPROVAL OF THE PROJECT IF THE APPLICANT
36 DOES NOT PROVIDE ACCEPTABLE EVIDENCE THAT BUILDING MAINTENANCE STAFF
37 RESPONSIBLE FOR THE FACILITY ARE RECEIVING TRAINING IN THE APPROPRIATE AREAS
38 OF PLANT OPERATIONS WITH SPECIFIC TRAINING RELATIVE TO INDOOR AIR QUALITY.

39 H. THE SCHOOL FACILITIES BOARD MAY APPROVE APPLICATIONS TO ASSIST
40 SCHOOL BUILDING PROJECTS TO EFFECT INDOOR AIR QUALITY IMPROVEMENT.

41 I. EACH SCHOOL DISTRICT GOVERNING BOARD IS RESPONSIBLE FOR MAINTENANCE
42 OF ITS SCHOOL BUILDINGS THAT IS NECESSARY TO PROTECT INDOOR ENVIRONMENTAL
43 QUALITY AND SHALL IMPLEMENT AN ONGOING PREVENTION PROGRAM TO PROTECT THE
44 INDOOR ENVIRONMENTAL QUALITY OF ITS FACILITIES.

1 J. BEFORE JANUARY 1, 2006, AND ONCE EVERY TWO YEARS THEREAFTER, EACH
2 SCHOOL DISTRICT GOVERNING BOARD SHALL ENSURE THAT QUALIFIED PERSONNEL OR
3 QUALIFIED CONTRACTORS CONDUCT A UNIFORM INSPECTION AND EVALUATION PROGRAM OF
4 THE INDOOR ENVIRONMENTAL QUALITY OF ITS SCHOOLS, UNLESS THE BUILDING WAS
5 CONSTRUCTED, RENOVATED OR REPLACED ON OR AFTER JANUARY 1, 2004, IN WHICH CASE
6 THE BUILDING SHALL BE INSPECTED ONCE EVERY FIVE YEARS DURING THE TEN YEARS
7 FOLLOWING THE CONSTRUCTION, RENOVATION OR REPLACEMENT AND ONCE EVERY TWO
8 YEARS THEREAFTER. THE INSPECTION AND EVALUATION PROGRAM SHALL INCLUDE ALL OF
9 THE FOLLOWING:

- 10 1. THE HVAC SYSTEMS.
- 11 2. THE POTENTIAL FOR MOISTURE INTRUSION OR WATER INTRUSION, OR BOTH,
12 OR ANY LEAKS AND THE PRESENCE OF MOLD.
- 13 3. POTENTIAL FOR EXPOSURE TO BIOAEROSOLS.
- 14 4. CHEMICAL COMPOUNDS OF CONCERN TO INDOOR AIR QUALITY, INCLUDING
15 VOLATILE ORGANIC COMPOUNDS.
- 16 5. THE DEGREE OF PEST INFESTATION, INCLUDING INSECTS AND RODENTS.
- 17 6. THE DEGREE OF PESTICIDE USAGE.
- 18 7. THE PRESENCE OF, AND THE PLANS FOR REMOVAL OF, ANY HAZARDOUS
19 SUBSTANCES THAT ARE CONTAINED ON THE LIST PREPARED PURSUANT TO SECTION 302 OF
20 THE FEDERAL EMERGENCY PLANNING AND COMMUNITY RIGHT-TO-KNOW ACT (42 UNITED
21 STATES CODE SECTION 9601).
- 22 8. VENTILATION SYSTEMS.
- 23 9. PLUMBING, INCLUDING WATER DISTRIBUTION SYSTEMS, DRAINAGE SYSTEMS
24 AND FIXTURES.
- 25 10. BUILDING STRUCTURAL ELEMENTS, INCLUDING ROOFING, BASEMENTS AND
26 SLABS.
- 27 11. THE USE OF SPACE, PARTICULARLY AREAS THAT WERE DESIGNED TO BE
28 UNOCCUPIED.
- 29 12. THE LOCATION OF PORTABLE CLASSROOMS.
- 30 13. THE LOCATION OF IDLING VEHICLES.
- 31 14. THE LOCATION OF WASTE COLLECTION DUMPSTERS.