

By: Naishtat

H.B. No. 473

A BILL TO BE ENTITLED

AN ACT

relating to indoor air quality in public school buildings.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 385, Health and Safety Code, is amended to read as follows:

CHAPTER 385. INDOOR AIR QUALITY IN GOVERNMENT BUILDINGS

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 385.001. DEFINITIONS. In this chapter:

(1) "Air contaminant" means a gaseous, liquid, or solid substance or combination of substances that is in a form that is transported by or in air and has the potential to be detrimental to human health.

(2) "Board" means the Texas Board of Health.

(3) "Department" means the Texas Department of Health.

(4) "Government building" means a building that is:

(A) owned, or leased for a term of at least three months, by a state governmental entity or by a political subdivision of this state, including a county, municipality, special purpose district, or school district; and

(B) regularly open to members of the public or used by the state or local governmental entity for a purpose that involves regular occupancy of the building by an employee or by a person in the custody or control of the governmental entity such as a public school student.

1 (5) [~~(4)~~] "Indoor air pollution" means the presence,
2 in an indoor environment, of one or more air contaminants in
3 sufficient concentration and of sufficient duration to be capable
4 of causing adverse effects to human health.

5 (6) "Public school" means a building owned by a public
6 school district or leased by a public school district for a period
7 of three months or longer that is used by the district for a purpose
8 that involves regular occupancy of the building by students.

9 Sec. 385.002. RULES. The board may adopt rules necessary
10 to implement this chapter.

11 [Sections 385.003-385.050 reserved for expansion]

12 SUBCHAPTER B. GUIDELINES

13 Sec. 385.051. POWERS AND DUTIES OF BOARD. (a) The board by
14 rule shall establish voluntary guidelines for indoor air quality in
15 government buildings, including guidelines for ventilation and
16 indoor air pollution control systems. [~~The board may adopt other~~
17 ~~rules necessary to implement this chapter.~~]

18 (b) In establishing [~~the~~] guidelines under this section,
19 the board shall consider:

20 (1) the potential chronic effects of air contaminants
21 on human health;

22 (2) the potential effects of insufficient ventilation
23 of the indoor environment on human health;

24 (3) the potential costs of health care for the
25 short-term and long-term effects on human health that may result
26 from exposure to indoor air contaminants; and

27 (4) the potential costs of compliance with a proposed

1 guideline.

2 (c) A guideline adopted under this section [~~chapter~~] may
3 include a contaminant concentration, a control method, a sampling
4 method, a ventilation rate, design, or procedure, or a similar
5 recommendation.

6 (d) The board's guidelines may differ for different
7 pollution sources or different areas of the state and may differ for
8 buildings that are regularly occupied or visited by children.

9 (e) The board by rule shall establish mandatory guidelines
10 for indoor air quality in a public school for which construction or
11 a substantial renovation of the school begins after the date that
12 the board's mandatory guidelines for newly constructed or
13 substantially renovated schools are adopted and take effect.

14 Sec. 385.052 [~~385.003~~]. LIABILITY AND IMMUNITY. This
15 subchapter [~~chapter~~] does not create liability for:

16 (1) a governmental entity or a member of the governing
17 body of or an employee of a governmental entity for an injury caused
18 by the failure to comply with the voluntary guidelines established
19 under Section 385.051(a); or

20 (2) a school district, an employee of a school
21 district, or a member of a school board for an injury caused by the
22 failure to comply with the mandatory guidelines established under
23 Section 385.051(e) [~~385.002~~].

24 [Sections 385.053-385.100 reserved for expansion]

25 SUBCHAPTER C. SCHOOL BUILDING ASSESSMENT PROGRAM

26 Sec. 385.101. DUTIES OF SCHOOL DISTRICTS; PERIODIC
27 ASSESSMENTS OF INDOOR AIR QUALITY. (a-1) Not later than September

1 1, 2005, a school district shall assess the indoor air quality of
2 each public school in the district that is in use on September 1,
3 2003. This subsection does not apply to a school in use on
4 September 1, 2003, that will not be used as a public school after
5 September 1, 2005. This subsection also does not apply to a school
6 with respect to which the indoor air quality has been assessed for
7 the conditions described by Section 385.102(b) within the two-year
8 period preceding September 1, 2003, if the school district submits
9 documentation to the department showing the assessment was
10 adequately performed. This subsection expires September 2, 2005.

11 (a) A school district shall assess the indoor air quality of
12 a public school in the district:

13 (1) within 90 days after the completion of a newly
14 constructed school;

15 (2) within 90 days after an event that could
16 reasonably be expected to significantly affect the indoor air
17 quality in the school, such as a fire at the school, substantial
18 renovation of the school, or flooding of the school;

19 (3) when an assessment of the school is ordered by the
20 superintendent of the district under Subsection (b);

21 (4) soon after remedial action is taken to remedy a
22 problem found during an earlier assessment of indoor air quality at
23 the school; and

24 (5) not later than the fourth anniversary of the last
25 assessment of the indoor air quality of the school.

26 (b) If there are confirmed reports of illness among students
27 or staff at a public school that may reasonably be attributable to

1 the indoor air quality of the school, the school principal or health
2 care personnel employed by the school district shall report that
3 fact to the board of trustees and the superintendent of the
4 district. The superintendent shall consider the situation, consult
5 with health care professionals and other persons as necessary, and
6 order an assessment of the indoor air quality of the school if the
7 superintendent considers an assessment to be warranted.

8 (c) Any assessment of the indoor air quality of a public
9 school under this subchapter must be conducted during the school
10 year. This subsection does not prohibit conducting additional
11 assessments at other times if required by prudence or other law.

12 (d) The assessments shall be conducted using the criteria
13 established by the department under Section 385.102.

14 Sec. 385.102. DUTIES OF DEPARTMENT; CRITERIA FOR BUILDING
15 ASSESSMENTS. (a) The department shall establish by rule criteria
16 and checklists for assessing the indoor air quality of public
17 schools.

18 (b) The rules must include requirements for assessing the
19 indoor air quality of each school with respect to ambient
20 temperature, relative humidity, the adequacy of ventilation, and
21 the presence of:

- 22 (1) carbon monoxide;
- 23 (2) volatile organic compounds;
- 24 (3) formaldehyde;
- 25 (4) particulate matter;
- 26 (5) carbon dioxide; and
- 27 (6) molds.

1 (c) In establishing acceptable assessment methods or in
2 adding to the factors listed under Subsection (b), the department
3 shall consider the potential health effects and potential costs the
4 board is required to consider in adopting guidelines under Section
5 385.051.

6 Sec. 385.103. AVAILABILITY OF ASSESSMENT RESULTS. (a) Not
7 later than the 60th day after the date an assessment of indoor air
8 quality in a public school is completed, the school district shall
9 send the complete results of the assessment, in a format prescribed
10 by the department, to the department and to the campus-level
11 planning and decision-making committee established under Section
12 11.253, Education Code, for the affected public school.

13 (b) A school district on request shall promptly make
14 available to any member of the public the complete results of an
15 assessment of indoor air quality in a public school.

16 SECTION 2. This Act takes effect September 1, 2003.