

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 Section 17213.3 to the Education Code, and to add Section 39619.7 to the Health and Safety Code, relating to public schools. 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 ~~ambient~~ 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 State Department of Health Services, in consultation with the State Air Resources Board, to establish ambient air quality standards for new and remodeled schools and would prohibit the Office of the State Architect from approving any construction or modernization project for a school that does not conform to the standards. By establishing this new requirement, this bill would impose a state-mandated local program.~~

This bill would require the Secretary of State and Consumer Services, in consultation with the State Department of Education, the State Department of Health Services, the Air Resources Board, and the Office of Environmental Health Hazard Assessment, to develop and publish a list of voluntary construction, modernization, and maintenance

guidelines to protect and enhance indoor air quality in public schools. The bill would require related certificates of compliance by school district governing boards, would require annual votes by school district governing boards to adopt each routine maintenance guideline, and would require school districts and individual schools to make inspection records and certificates available to the public. By establishing these requirements, this bill would impose a state-mandated local program.

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.—Section 17213.3 is added to the Education Code,~~
- 2 *SECTION 1. The Legislature finds and declares all of the*
- 3 *following:*
- 4 *(a) In 1996, General Accounting Office found that California’s*
- 5 *schools ranked as the worst in the nation for indoor environmental*
- 6 *conditions, including lighting, heating, noise, and air quality, with*
- 7 *29 percent of California schools being reported with*
- 8 *unsatisfactory ventilation and 22 percent being reported with*
- 9 *unsatisfactory air quality.*
- 10 *(b) In 1999, the Coalition for Adequate School Housing*
- 11 *(CASH) found that nearly 40 percent of school districts sampled*
- 12 *in a survey had received complaints about air quality, principally*
- 13 *due to moisture, poor ventilation, mold, and inadequate*
- 14 *maintenance.*
- 15 *(c) In 1999, a report by the Environmental Working Group, a*
- 16 *public interest group, suggested that children in portable*



1 classrooms in California are exposed to higher levels of volatile
2 organic compounds, toxic chemicals, and mold.

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

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

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

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

22 (h) The Federal Environmental Protection Agency has
23 developed voluntary guidelines (tools for schools) to prevent and
24 solve indoor air quality problems with minimal cost and
25 involvement.

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

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

33

34

Article 1.5. Indoor Air Quality

35

36 17227.10. (a) By June 1, 2003, the Secretary of State and
37 Consumer Services, in consultation with the State Department of
38 Education, the State Department of Health Services, the Air
39 Resources Board, and the Office of Environmental Health Hazard
40 Assessment, shall develop and publish a list of voluntary



1 *guidelines for public school construction or modernization*
2 *projects, including, but not limited to, portable classrooms, to*
3 *protect and enhance indoor air quality.*

4 *(b) The guidelines developed pursuant to subdivision (a) shall*
5 *include, at a minimum, measures designed to do all of the*
6 *following:*

7 *(1) Promote the selection of building materials that will not*
8 *unnecessarily degrade indoor air quality.*

9 *(2) Promote the selection of air-conditioning, heating, and*
10 *ventilation systems that would not produce noise levels that would*
11 *interfere with school activities.*

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

15 *(4) Remove contaminants upon completion of construction or*
16 *modernization.*

17 *(5) Promote the effective operation and maintenance of*
18 *heating, ventilation, and air-conditioning systems.*

19 *(c) The department may revise the guidelines developed*
20 *pursuant to this section at any time.*

21 *17227.15. (a) The Office of the State Architect shall require*
22 *each school district to certify whether it has incorporated, into a*
23 *construction or modernization plan, each of the guidelines on the*
24 *list established pursuant to this article.*

25 *(b) After the effective date of this section and until the*
26 *guidelines are published pursuant to this article, the Office of the*
27 *State Architect shall require the school district to certify whether*
28 *it has incorporated, into a construction or modernization plan, the*
29 *most recent guidelines for heating, ventilation, and*
30 *air-conditioning-related background sound in rooms, published*
31 *by the American Society of Heating, Refrigerating and Air*
32 *Conditioning Engineers.*

33 *17227.20. The Office of the State Architect shall ensure that*
34 *the heating, ventilation, and air-conditioning systems in new or*
35 *modernized schools are tested and certified to comply with the*
36 *minimum air flow requirements of Title 24 of the California Code*
37 *of Regulations.*

38 *17227.25. (a) By July 1, 2003, the Secretary of State and*
39 *Consumer Services, in consultation with the State Department of*
40 *Education, the State Department of Health Services, the Air*



1 Resources Board, and the Office of Environmental Health Hazard
2 Assessment, shall develop and publish a list of voluntary
3 guidelines for routine maintenance to protect and enhance indoor
4 air quality in public schools.

5 (b) The guidelines published pursuant to subdivision (a) shall
6 include, at a minimum, measures designed to do all of the
7 following:

8 (1) Promote the proper operation and maintenance of heating,
9 ventilation, and air-conditioning systems, including timing and
10 minimum criteria for routine inspections, cleaning, and
11 replacement of filters.

12 (2) Avoid unnecessary accumulation of moisture that could
13 lead to mold growth.

14 (3) Promote the selection, use, and proper storage of cleaning
15 materials that will not unnecessarily degrade indoor air quality.

16 (c) The Department of General Services may revise the
17 guidelines developed pursuant to this section at any time.

18 17227.30. (a) At least once per year, the governing board of
19 each school district shall vote at a public meeting whether to adopt
20 each of the guidelines established pursuant to Section 17227.25.

21 (b) Within the ongoing and major maintenance plan prepared
22 by a school district pursuant to Section 17070.75, the governing
23 board of each school district shall certify whether it has adopted
24 each of the guidelines established pursuant to Section 17227.25.

25 (c) School districts and individual schools shall make all
26 inspection records for heating, ventilation, and air-conditioning
27 systems available to the public upon request.

28 (d) The school district shall make all certifications pursuant to
29 this article available to the public upon request.

30 to read:

31 ~~17213.3.—The Office of the State Architect shall not approve~~
32 ~~any construction or modernization project for a school that does~~
33 ~~not conform to the indoor pollution guidelines established by the~~
34 ~~State Department of Health Services pursuant to Section 39619.7~~
35 ~~of the Health and Safety Code.~~

36 ~~SEC. 2.—Section 39619.7 is added to the Health and Safety~~
37 ~~Code, to read:~~

38 ~~39619.7.—The State Department of Health Services, in~~
39 ~~consultation with the Air Resources Board, shall establish~~
40 ~~standards for new and remodeled schools to minimize the potential~~



1 ~~health effects from indoor exposure to air pollutants, including,~~
2 ~~but not limited to, pollutants for which the state board has adopted~~
3 ~~ambient air quality standards, or that have been identified as toxic~~
4 ~~air contaminants pursuant to Section 39657 or 39660.~~

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

