

- SUBJECT:** Periodic assessment of indoor air quality in public school facilities
- COMMITTEE:** Public Health — committee substitute recommended
- VOTE:** 9 ayes — Gray, Coleman, Capelo, Delisi, Glaze, Longoria, Maxey, Uresti, Wohlgemuth
0 nays
- WITNESSES:** For — Edward Carter, American Lung Association of Texas; Melody Chatelle, Texas Classroom Teachers Association; David Duty, Curt Shaw, Austin ISD; Rene Lara, Texas Federation of Teachers; Marcia Rossi, Hill Elementary School; Vincent Torres; *Registered but did not testify:* Dr. Pat Forgione, Austin ISD; Reggie James, Consumers Union SW Regional Office; Richard Kori, TSTA; Joel Romo, Association of Texas Professional Educators; G.K. Sprinkle, American Lung Association; Craig Tonnet, Texas PTA
Against — None
On — Cathy Douglass, Texas Association of School Boards; *Registered but did not testify:* Claren Kotrla, Quade Stahl, Texas Department of Health
- BACKGROUND:** Health and Safety Code, ch. 385 requires the Texas Board of Health to establish voluntary guidelines for indoor air quality in schools. No school board liability exists for an injury caused by a failure to comply.
- DIGEST:** **Education program.** CSHB 2006 would amend Health and Safety Code, ch. 385, to require the Texas Department of Health (TDH) to conduct a statewide public school indoor air quality education program. The Texas Board of Health would be permitted to adopt any necessary rules to implement ch. 385.
Liability for failure to adopt voluntary standards. The bill would not create liability for a school board, school district, or school district employee for failure to comply with the voluntary guidelines.

Periodic assessment of air quality. A school district would have to assess the indoor air quality of a public school within 90 days of:

- ! the completion of a newly constructed school;
- ! an event that reasonably could be expected to significantly affect the indoor air quality in the school; or
- ! completion of remedial action taken to remedy an indoor air quality problem identified during a prior assessment; and
- ! when ordered by the superintendent of the district.

The bill would not prohibit conducting other assessments whenever required by prudence or other law. Assessments would have to be conducted by certified individuals and according to the assessment criteria set by the department.

School district duties. The superintendent would be required to order an assessment if warranted based on confirmed reports of illness among students or staff that might reasonably be attributed to indoor air quality. If there were confirmed reports of such illness, the school principal or school district health care personnel would be required to report that fact to the board of trustees and the superintendent.

Assessment criteria. TDH would have to establish criteria and checklists for assessing indoor air quality in public schools. The rules would have to include requirements for assessing:

- ! ambient temperature,
- ! relative humidity,
- ! adequacy of ventilation,
- ! carbon monoxide,
- ! volatile organic compounds,
- ! formaldehyde,
- ! particular matter,
- ! carbon dioxide, and
- ! molds.

TDH would have to consider the same potential health effects and potential costs that current law required in establishing the voluntary guidelines.

Assessment results. A school district would have to send complete assessment results to TDH and the campus-level planning and decision-making committee for the affected school not later than the 60th day after the assessment is completed. On request, a school district would be required to make the complete results available to any member of the public.

Certification. TDH would have to certify individuals to perform public school indoor air quality assessments, adopting rules to govern the certification program that were designed to ensure certified persons were capable and would properly report results. The rules would specify the training and testing, the term of a license, and grounds for suspension, revocation, or denial of a license. TDH could certify a person without the usual required testing and training if the person were licensed or certified in another field, experienced at assessing indoor air quality, and if TDH considered the requirements for the licensing or certification in the other field to meet or exceed the its established requirements. TDH would charge a certification fee of \$50, payable on issuance and renewal of a certificate. A school district would be required to pay the certification fee for school district personnel.

Effective date. The bill would take effect September 1, 2001. It would not apply to a renovation project for which working drawings were completed before the effective date of this bill. Such a project would be governed by the law in effect at the time the drawings were completed, and that law would be continued in effect for that purpose.

SUPPORTERS
SAY:

The mandatory education program required by CSHB 2006 would raise awareness of the health risks associated with poor indoor air quality and the importance of good indoor air quality. Some health risks include headaches, sore throats, respiratory illnesses, itchy eyes, stomach aches, rashes or other allergic reactions, heightened sensitivity, such as becoming highly sensitive to a variety of chemicals or other substances, and exacerbation of existing health conditions such as asthma. Children are especially vulnerable because their developing bodies are incapable of processing toxins in the same manner as adults, and they tend to accumulate toxins in greater concentration. Ensuring indoor air quality is important because most people spend approximately 90 percent of their time indoors. The state devotes a

great deal of time and energy to monitoring outdoor air quality, but not to indoor air quality.

The mandatory education program also would raise awareness of the factors that can lead to poor indoor air quality. Some of these factors include faulty construction materials and “off-gassing,” or emission, of toxic fumes, including chemicals and volatile organic compounds, from synthetic building materials. Other factors include poor maintenance of a building and moisture leaks.

Heightened awareness of air quality issues would reduce costs related to construction and renovation. Awareness would encourage schools to incorporate up-to-date information concerning construction materials and techniques and avoid making the same errors other schools have made in the past. Construction and renovation costs can be driven up dramatically when resulting poor air quality necessitates expensive clean-up. Air quality awareness would assist schools in the construction and renovation planning stages and would help them to prevent poor air quality.

Raising air quality awareness also would help schools to better allocate their maintenance dollars. For example, a school experiencing a roof leak could avoid an expensive mold problem by focusing on air quality issues in the repair planning stages. Two schools in Texas recently experienced severe mold problems associated with roof leaks, which forced them to relocate students, and cost more than \$3 million each to repair and mitigate the mold problem.

By requiring a uniform certification, the bill would ensure that all schools received the same inspection, and that inspections were conducted by qualified personnel. This would protect all schoolchildren equally and ensure consistency in both the inspections and the content of air quality reports.

Few schools have taken action to adopt the voluntary air quality standards. TDH fields hundreds of questions each year from parents who are concerned about indoor air quality in public schools. Recent air quality problems caused by mold uncovered during renovations at several schools have heightened public awareness of indoor air quality.

Improving air quality would reduce lost instructional time. When teachers are out sick, students lose teaching continuity. When students are out sick, they are more likely to fall behind or require additional assistance with missed school work. Schools also would improve the work environment for teachers and save school districts money spent on substitute teachers and sick pay. Teacher organizations receive numerous calls from teachers concerned about air quality issues.

While this bill would require the state to invest some money in the program, protecting the health of our children is one of the best ways to allocate state dollars. Children are vulnerable, and the youngest children are unable to speak up or otherwise take action to protect themselves. The program also would protect the health of teachers and school employees, as well as members of the public who spend time in school buildings for sporting events, performances, extracurricular activities, and other purposes.

OPPONENTS
SAY:

No apparent opposition.

NOTES:

The committee substitute removed provisions in the bill as filed that would have required:

- ! a school district to assess the indoor air quality of each public school in use on September 1, 2001, not later than September 1, 2003;
- ! a school district to assess the indoor air quality of each public school in the district not later than the fourth anniversary of the last indoor air quality assessment for that school;
- ! all indoor air quality assessment of a public school to take place during the school year.

The substitute required the district to have an assessment within 90 days after the completion of remedial action, rather than soon after remedial action is taken.

According to the fiscal note, the bill would cost TDH \$112,506 in fiscal 2003-04 and \$97,313 per fiscal year in 2004, 2005, and 2006.

A related bill, HB 2007 by Naishtat, et al., requiring indoor air quality assessments for new or renovated schools, also is on today's General State Calendar.