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SENATE BILL 489

46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003

INTRODUCED BY

Bernadette M. Sanchez

AN ACT

RELATING TO PUBLIC SCHOOLS; ENACTING THE INDOOR AIR QUALITY IN SCHOOLS ACT.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. A new section of the Public School Code is enacted to read:

"[NEW MATERIAL] SHORT TITLE. -- This act may be cited as the "Indoor Air Quality in Schools Act". "

Section 2. A new section of the Public School Code is enacted to read:

"[NEW MATERIAL] INDOOR AIR QUALITY RULES. -- The state board shall adopt rules to establish a program for ensuring indoor air quality in public schools and private schools. The program shall include:

A. the use of independent testing, including for

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1 radon and other chemical compounds affecting air quality, and  
2 requirements for adjusting and balancing heating, ventilation  
3 and air conditioning systems of every public and private school  
4 at least once every three years;

5 B. minimum standards for indoor air quality that  
6 shall be no less than the standards of the American society of  
7 heating, refrigeration and air conditioning engineers, the  
8 national fire protection association code and the code of the  
9 international association of mechanical and plumbing officials;

10 C. procedures for complaints to be filed requesting  
11 indoor air quality inspection and evaluation; and

12 D. requirements for heating, ventilation and air  
13 conditioning systems, including:

14 (1) design by professional engineers  
15 registered in New Mexico in the specific discipline associated  
16 with the system being used;

17 (2) installation in the prescribed manner in  
18 order to operate within the performance guidelines as designed;

19 (3) compliance with national standards of the  
20 testing, adjusting and balancing bureau, the associated air  
21 balance council, the national environmental balancing bureau  
22 and the environmental engineering consultants;

23 (4) documentation to be provided to the school  
24 administrator or owner to facilitate control and maintenance of  
25 the systems in accordance with the manufacturer's requirements;

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1 (5) training to be provided by the equipment  
2 manufacturer or an agent of the manufacturer to those persons  
3 who will operate and maintain the system; and

4 (6) certification upon successful completion  
5 of the testing, adjusting and balancing process by the  
6 independent testing, adjusting and balancing agent certified by  
7 the testing, adjusting and balancing bureau. "

8 Section 3. A new section of the Public School Code is  
9 enacted to read:

10 "[NEW MATERIAL] INDOOR AIR QUALITY IN SCHOOLS ADVISORY  
11 COMMITTEE. --

12 A. The state superintendent shall appoint an  
13 "indoor air quality in schools advisory committee" comprised  
14 of:

- 15 (1) a representative of the department of  
16 health;
- 17 (2) a representative of the department of  
18 education;
- 19 (3) a representative of a private sector  
20 educational organization;
- 21 (4) a representative of a school employees  
22 organization;
- 23 (5) a representative of a parent organization;
- 24 (6) a representative of the department of  
25 environment;

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1 (7) a physician with experience in indoor air  
2 quality issues;

3 (8) an individual with training and experience  
4 in occupational safety and health issues;

5 (9) a mechanical engineer with experience in  
6 building ventilation system design;

7 (10) a building contractor with experience in  
8 air flow systems; and

9 (11) a member of a labor organization whose  
10 members install, service, evaluate or balance heating,  
11 ventilation and air conditioning equipment.

12 B. The indoor air quality in schools advisory  
13 committee shall:

14 (1) identify and provide to the department of  
15 education for distribution to schools best operating practices  
16 for indoor air quality in schools; and

17 (2) assist the state board in adoption of  
18 rules for a program in indoor air quality in public schools and  
19 private schools. "

20 Section 4. A new section of the Public School Code is  
21 enacted to read:

22 "[NEW MATERIAL] INDOOR AIR QUALITY REPORTS. --

23 A. An inspector shall submit a report of the  
24 inspection and evaluation no later than sixty days after the  
25 inspection is completed. The report shall include a summary of

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1 the inspector's findings, recommendations and a plan to improve  
2 the school's air quality conditions. The report shall be  
3 submitted to the school's principal, the superintendent of the  
4 local school board and the state board.

5 B. The report shall be made public and a copy  
6 provided, for a reasonable cost, to anyone requesting a report,  
7 including the person who complained about the air quality of  
8 the school. To the extent practicable, the reports shall be  
9 published on the internet by the state board.

10 C. The school shall remedy the air quality problem  
11 not more than sixty days after the school's principal receives  
12 the report. "

13 Section 5. A new section of the Public School Code is  
14 enacted to read:

15 "NEW MATERIAL TRAINING. --

16 A. The state board shall provide for the training  
17 of school personnel on the equipment and its controls at the  
18 site of the installation. The training shall occur within one  
19 year after installation or rehabilitation of a heating,  
20 ventilation and air conditioning system.

21 B. Upon completion of the required training, the  
22 state board shall provide the local school board with a report  
23 summarizing the training that was completed and a plan for the  
24 continued education of the school district's heating,  
25 ventilation and air conditioning staff. If sufficient staff is

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1 not available to the local school board to perform maintenance  
2 on heating, ventilation and air conditioning systems, the state  
3 board shall develop an immediate and long-range maintenance  
4 plan to ensure that heating, ventilation and air conditioning  
5 systems are maintained and operated according to the  
6 manufacturer's recommendations. "

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