

NO. 125. AN ACT RELATING TO TOXIC MATERIALS AND INDOOR AIR QUALITY IN VERMONT PUBLIC SCHOOLS.

(H.192)

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. LEGISLATIVE FINDINGS, PURPOSE AND GOALS

(a) The General Assembly finds that:

(1) There is significant evidence that hazardous chemical exposure and poor indoor air quality can negatively affect human health and productivity.

(2) Problems related to hazardous chemical exposure ranging from complaints of minor illness to death are documented in medical, institutional and governmental studies.

(3) Children are particularly susceptible to adverse health effects from hazardous chemical exposure and poor indoor air quality, as their bodies are undergoing rapid growth and development, their immune systems are not fully functional and they are likely to be in contact with materials not encountered by adults.

(4) A school environment, in which hazardous exposures are reduced and an adequate supply of fresh or filtered air is provided reduces viruses and allergens, increases the likelihood that school students and staff will be more alert and productive and may reduce risk of litigation.

(5) Problems involving potentially hazardous chemical exposure and poor indoor air quality are associated with increased use of manufactured construction materials, energy conservation measures which have sealed school buildings more tightly, inadequate air exchange which fails to eliminate

pollutants from inside school buildings, and moisture problems that cause biological growth inside school buildings.

(6) Information on least-toxic and nontoxic materials, nonchemical pest control methods and appropriate maintenance practices and standards is widely available through governmental agencies, nonprofit organizations and professional societies, but is not readily accessible through a single information source.

(b) It is the purpose of this act to direct the department of health, in consultation with other state agencies, to compile and make available to all Vermont schools, information about materials and practices commonly used in school operation and construction that may compromise indoor air quality or negatively impact human health. It is also the purpose of this act to encourage schools, with assistance from the department of health, to develop programs that will enable them to identify and eliminate potentially hazardous materials, isolate those hazardous materials that cannot be eliminated, and adequately ventilate school buildings to exhaust any pollutants and contaminants.

(c) It is the goal of this act that at least 50 percent of Vermont schools qualify for an environmental health certification by January 2005.

**Sec. 2. COMMISSIONERS OF HEALTH AND OF BUILDINGS AND  
GENERAL SERVICES; SCHOOL ENVIRONMENTAL HEALTH  
WEBSITE**

(a) The commissioners of health and of buildings and general services shall jointly create and jointly update as necessary an electronic school

environmental health clearinghouse site on the health department's website, including diagnostic checklists and searchable databases. This website shall include:

- (1) Information on materials and practices in common use in school operations and construction that may compromise indoor air quality or negatively impact human health;
- (2) Information on potential health problems associated with these materials, with specific reference to children's vulnerability;
- (3) Information on integrated pest management and alternatives to chemical pest control;
- (4) Information on methods to reduce or eliminate exposure to potentially hazardous substances in schools, including the following:
  - (A) a list of preventive management options, such as ventilation, equipment upkeep, design strategies, and performance standards;
  - (B) a list of nontoxic or least-toxic office and classroom supplies, maintenance and cleaning chemicals, building equipment, and materials and furnishings; and
  - (C) a list of environmental health criteria that schools may use as a decision-making tool when determining what materials to purchase or use in school construction or operations;
- (5) The model school environmental health policy and management plan developed pursuant to Sec. 3 of this act.

(b) The commissioners of health and of buildings and general services, education and health, with help from the secretary of the agency of natural resources when appropriate, shall:

(1) Review the information on the school environmental health information clearinghouse at least twice yearly, and update it whenever significant developments occur.

(2) At the request of school officials, assist school environmental health coordinators to identify potential sources of environmental pollution in the school, and make recommendations on how to alleviate any problems.

(3) Annually, organize school environmental health training workshop for school environmental health coordinators and school administrators, and an annual training for school maintenance and custodial staff. The department shall issue certificates of training to participants who successfully complete the workshops.

(4) Publicize the availability of information through the school environmental health clearinghouse.

(5) Provide information and referrals to members of school communities who contact the school environmental health clearinghouse with hazardous exposure and indoor air concerns.

(6) Assist elementary and secondary schools in Vermont to establish comprehensive school environmental health programs, which have all or most of the elements of the model policy developed pursuant to Sec. 3 of this act, to address indoor air and hazardous exposure issues.

(7) Report annually to the house and senate committees on education on the extent of indoor air and hazardous exposure problems in Vermont schools and on the percentage of Vermont schools that have established a school environmental health program or qualified for environmental health certification.

(c) Any information provided shall be based on peer-reviewed published scientific material.

Sec. 3. COMMISSIONERS OF BUILDINGS AND GENERAL SERVICES,  
EDUCATION AND HEALTH; SCHOOL ENVIRONMENTAL  
HEALTH POLICY AND MANAGEMENT PLAN;  
ENVIRONMENTAL HEALTH CERTIFICATE

(a) The commissioners of buildings and general services, education and health shall work with the secretary of the agency of natural resources, as necessary, to carry out the provisions of this section.

(b) On or before July 1, 2001, the commissioners shall develop and distribute to each Vermont school, a model school environmental health policy to be implemented under the direction of the building administrator or his or her designee, and which shall include, at a minimum, the following components:

(1) The formation of a school environmental health committee which may be an existing safety or maintenance committee, consisting of a cross-section of the school community.

(2) An annual school environmental health audit of the school building and grounds which shall be reported to the commissioner of health.

(3) The compilation of a recommended maintenance schedule and checklist for the school, summarizing when and how maintenance of heating and ventilation systems should occur.

(4) The establishment of a school environmental health management plan consistent with the model policy and plan.

(c) The commissioner of education shall distribute to all Vermont public schools on or before July 1, 2001, a model school environmental health management plan which:

(1) includes mechanisms to resolve hazardous chemical exposure and indoor air quality problems as they occur;

(2) provides suggestions for communicating school environmental health status to building occupants and parents;

(3) implements an integrated pest management and control program to minimize the risk of exposure in the school building and on school grounds;

(4) provides for physical isolation of those toxic materials that cannot be eliminated from the school building or grounds; and

(5) includes policies for emergency response, and incorporates methods to evaluate plan effectiveness.

(d) The commissioners shall appoint and convene an advisory panel to consist of representatives of superintendents, school boards, teachers, principals, parents, school nurses, school environmental health advocates,

Vermont Public Interest Research Group, Associated General Contractors of Vermont, Vermont Chapter of the American Society of Heating, Refrigeration and Air Conditioning Engineers, and others to offer advice on the implementation of this act.

(e) The commissioners shall establish an environmental health certificate to be awarded to schools which have demonstrated exemplary progress in addressing indoor air quality and hazardous exposure issues beyond adoption of the model policy and plan described in this section. Criteria for determining such progress shall include but not be limited to:

(1) nontoxic or least-toxic purchasing policies and practices for all school supplies;

(2) minimization of pesticide risk and exposure in school buildings and on school grounds; and

(3) completion of a school environmental health workshop, sponsored or approved by the department of health, by one or more members of the school administration and one or more members of the maintenance staff.

#### Sec. 3a. BUILDING AND CONSTRUCTION MATERIALS

This act does not authorize any prohibition on the use by schools of any materials, processes or products.

#### Sec. 4. APPROPRIATION

(a) One new limited service position - school environmental health specialist - is authorized in the Department of Health.

(b) The commissioner of health shall seek federal and other funds available to help implement the provisions of this act.

Sec. 5. EFFECTIVE DATE

(a) Sec. 2(b) of this act shall be effective on July 1, 2001.

(b) The remainder of this act shall take effect on July 1, 2000.

Approved: May 17, 2000