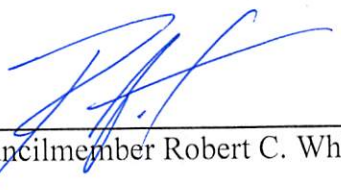
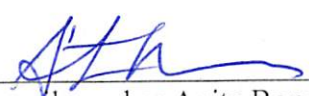
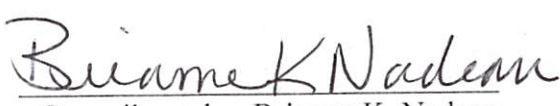
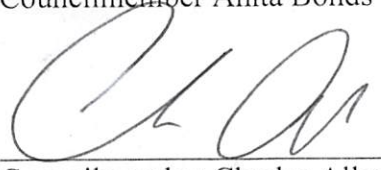



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2 Councilmember Mary M. Cheh


Councilmember Robert C. White, Jr.

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6 Councilmember Anita Bonds


Councilmember Brianne K. Nadeau

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11 Councilmember Charles Allen


Councilmember Vincent C. Gray

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17 A BILL

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22 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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25
26 To amend the Healthy Public Buildings Assessment Act of 2016 to require the Department of
27 General Services to conduct assessments of environmental conditions, to identify and
28 mitigate environmental hazards that impact human health in all District-owned buildings
29 that are occupied during demolition, excavation, substantial renovation, and construction
30 activities, to require the Department to develop publically-available protocols for these
31 assessments, and to require the Department to publish plans for remediation where an
32 environmental hazard is identified and conduct community engagement; and to amend
33 the Safe Fields and Playgrounds Act of 2018 to require the Department of General
34 Services to conduct community engagement and outreach regarding synthetic material
35 removal and replacement, to test all District-owned and maintained playground surfaces
36 for lead, and to conduct a thorough analysis of all playground surface materials currently
37 or potentially available to ensure their safety and durability.

38
39 BE IT ENACTED BY THE COUCIL OF THE DISTRICT OF COLUMBIA, That this
40 Act may be cited as the "Public Facilities Environmental Safety Amendment Act of 2020".

41
42 Sec. 2. The Healthy Public Buildings Assessment Act of 2016, effective April 1, 2017
43 (D.C. Law 21-237; D.C. Official Code § 10-711 *et. seq.*), is amended as follows:

44 (a) Section 2 (D.C. Official Code § 10-711) is amended as follows:

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45

46 (1) A new paragraph (5A) is added to read as follows:

47 “(5A) “Substantial renovation” means the reconstruction of a building such that
48 50 percent or more of the building that existed before the reconstruction began is to undergo
49 renovation.”.

50 (b) Section 3 (D.C. Official Code § 10-712) is amended to read as follows:

51 (1) Existing subsection (a) is redesignated as subsection (a-1).

52 (2) A new subsection (a) is added to read as follows:

53 “(a) DGS shall, at a minimum, assess each public building:

54 “(1) Monthly, if the public building is occupied, or if there are occupied buildings
55 within a 250-foot radius of demolition, excavation, substantial renovation, or construction
56 activities; or

57 “(2) Annually, if the public building is unoccupied and there are no occupied
58 buildings within a 250-foot radius of demolition, excavation, substantial renovation, or
59 construction activities.

60 (3) Subsection (a-1) is amended as follows:

61 (A) The lead-in language is amended to read as follows:

62 “For each assessment required by subsection (a) of this section, DGS shall, at a
63 minimum, monitor risks associated with the following environmental conditions:”.

64 (B) Paragraph (11) is amended by striking the phrase “; and” and inserting
65 a semicolon in its place.

66 (C) Paragraph (12) is amended by striking the period.

67 (D) New paragraphs (13), (14), (15), (16), and (17) are added to read as
68 follows:

69 “(13) Groundwater quality;

70 “(14) Dust;

71 “(15) Gas and diesel emissions;

72 “(16) Polychlorinated biphenyls; and

73 “(17) Volatile organic compounds.”.

74 (4) Subsection (b)(1) is amended by striking the phrase “The frequency and” and
75 inserting the word “The” in its place.

76 (5) A new subsection (b-1) is added to read as follows:

77 “(b-1) If the assessment for any of the conditions listed in subsection (a-1) of this section
78 are found to be in excess of a threshold established under subsection (b) of this section, DGS
79 shall:

80 “(1) Immediately stop demolition, excavation, substantial renovation, or
81 construction activities;

82 “(2) Close the demolition, excavation, substantial renovation, or construction site
83 and remove public access to any public buildings within 24 hours;

84 “(3) Publish on the DGS’s website and provide to the Council and the Mayor
85 within 5 business days a report that includes:

86 “(A) The environmental conditions found during the assessment and the
87 full testing results for each of those conditions; and

88 “(B) Any remediation measures that will be taken;

89 “(4) Conduct a public meeting to share the assessment results with the affected
90 community within 10 business days; and

91 “(5) Repeat the assessment required by subsection (a) of this section after
92 remediation measures have been taken until the environmental conditions identified do not
93 exceed established thresholds.”.

94 (6) A new subsection (d-1) is added to read as follows:

95 “(d-1) DGS shall submit a quarterly report to the Council and publish online a report that
96 describes, for each public building that is under demolition, excavation, substantial renovation,
97 or construction, at a minimum:

98 “(1) The environmental conditions assessed;

99 “(2) The testing methods employed to assess whether the conditions pose an
100 environmental hazard;

101 “(3) The threshold levels at which remediation measures need to be taken;

102 “(4) The remediation measures taken when levels exceeded threshold levels; and

103 “(5) How testing results and remediation strategies are communicated to the
104 public.”.

105 Sec. 3. The Safe Fields and Playgrounds Act of 2018, effective April 11, 2019 (D.C.
106 Law 22-293; D.C. Official Code § 10-171.01 *et seq.*) is amended as follows:

107 (a) Section 4 (D.C. Official Code § 10-171.03) is amended as follows:

108 (1) A new subsection (a-1) to read as follows:

109 “(a-1) Within 3 months after the effective date of this subsection, DGS shall conduct lead
110 testing of all playgroud surfaces composed of synthetic materials using the testing practices
111 recommended by the American Society for Testing and Materials.

112 “(1) If a playground surface composed of synthetic materials, in whole or in part,
113 fails a lead test conducted pursuant to subsection (a-1) of this section, DGS shall close the
114 playground surface to the public within 24 hours of receiving the failing test results. DGS shall
115 not reopen the playground surface until remedial action is taken and the playground space passes
116 a subsequent test.

117 “(2) Within 2 business days of DGS receiving a lead test result resulting in the
118 closure of a public recreational space under this section, DGS shall:

119 “(A) For all playground surfaces owned or maintained by DCPS, send the
120 test results and a remediation plan to DCPS; and

121 “(B) For all playground surfaces owned or maintained by DPR, send the
122 test results and a remediation plan to DPR.

123 “(3) Within 2 business days of receiving a lead test result resulting in the closure
124 of a playground surface under this section, DGS shall publish notice on the DGS website and
125 post conspicuous signage at the public recreational space that clearly communicates information
126 about the closure of the space, including the reason for the closure, the date and nature of any
127 planned remediation efforts, and contact information for a DGS employee responsible for
128 addressing questions about the remediation.

129 “(4) Within 10 business days of receiving a lead test result resulting in the closure
130 of a playground surface under this section, DGS shall conduct a community meeting to explain
131 the remediation process, any potential health risks caused by the elevated lead levels which
132 resulted in the closure, and the anticipated date that the closed playground surface will reopen.”.

133 (2) A new subsection (a-2) to read as follows:

134 “(a-2) Within 6 months after the effective date of this subsection, DGS shall publish on
135 the DGS website the warranty and certificate of compliance with regulatory standards for all

136 existing public recreational spaces that contain synthetic materials, and shall continue to publish
137 on the DGS website the warranty and certificate of compliance with regulatory standards for all
138 new synthetic fields and playgrounds.

139 (3) A new subsection (a-3) to read as follows:

140 “(a-3) Within 6 months after the effective date of this subsection, the Mayor shall
141 transmit to the Council a report that details the results of an analysis of all materials currently
142 available on the market for use in public recreational spaces to ensure the District is using the
143 safest and most durable materials for public recreational spaces. The report shall include the
144 following:

145 “(1) A list of all currently available synthetic materials and non-synthetic
146 materials on the market deemed safe-for-use by DGS for use in public recreational spaces;

147 “(2) An analysis of the component materials of all synthetic materials and non-
148 synthetic materials identified in paragraph (1) of this subsection that identifies whether the
149 material contains any known environmental health hazards or poses a health risk if the material
150 is ingested, inhaled, or comes into contact with a person’s skin or eyes;

151 “(3) A comparison of the synthetic materials and non-synthetic materials
152 identified in paragraph (1) of this subsection that includes the advantages and disadvantages
153 associated with each material, including but not limited to cost, maintenance requirements, and
154 accessibility; and

155 “(4) Test results for public recreational spaces that do not contain synthetic
156 materials to determine the expected level of naturally-occurring conditions solely based on
157 environmental factors.”

158 (4) Subsection (d) is amended as follows:

159 (A) Paragraph (1) is amended by striking the phrase “; and” and inserting
160 a semicolon in its place.

161 (B) Paragraph (2) is amended by striking the period and inserting the phrase
162 “; and” in its place.

163 (C) A new paragraph (3) is added to read as follows:

164 “(3) A plan for community outreach and engagement to explain the removal of
165 the synthetic material from the recreational space and the new materials chosen to replace the
166 removed synthetic material.”.

167 (c) Section 5 (D.C. Official Code § 10-171.04) is amended as follows:

168 (1) Subsection (c) is amended by adding a new paragraph (4) to read as follows:

169 “(4) Within 10 business days of receiving a test result resulting in the closure of a
170 public recreational space under this section, DGS shall conduct a community meeting to explain
171 the remediation process, any potential health risks caused by the environmental condition that
172 resulted in the closure, and the anticipated date that the closed public recreational space will
173 reopen.”.

174 Sec. 4. Fiscal impact statement.

175 The Council adopts the fiscal impact statement in the committee report as the fiscal
176 impact statement required by section 4a of the General Legislative Procedures Act of 1975,
177 approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

178 Sec. 5. Effective date.

179 This act shall take effect following approval by the Mayor (or in the event of veto by the
180 Mayor, action by the Council to override the veto), a 30-day period of congressional review as
181 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

182 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.03(c)(1)), and publication in the District of
183 Columbia Register.