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H.244

Introduced by Representatives Townsend of South Burlington, Head of South
Burlington, and Pugh of South Burlington

Referred to Committee on

Date:

Subject: Health; environmental health; schools; environmental standards for
schools

Statement of purpose of bill as introduced: This bill proposes to require each
school or school district in the State to develop, adopt, and ensure the
enforcement of an environmental health plan for each school facility. The
Commissioner of Health shall adopt by rule minimum requirements for
inclusion in a school environmental health plan. The Commissioner of Health
would also adopt by rule minimum environmental health requirements to be
satisfied in the siting and development of new school construction.

An act relating to environmental health standards for Vermont schools

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

2 Sec. 1. 18 V.S.A. chapter 40 is added to read:

3 CHAPTER 40. ENVIRONMENTAL HEALTH STANDARDS

4 FOR SCHOOLS

5 § 1791. PURPOSE

6 (a) The General Assembly finds that:

7 (1) Children are particularly susceptible to adverse health effects from
8 exposure to toxic chemicals, indoor and outdoor air pollution, harmful noise,
9 and other environmental hazards.

10 (2) Unhealthy school environments can negatively affect children's
11 health, lead to reduced attendance, hinder student concentration, and impede
12 performance.

13 (3) Environmental issues in schools can lead to expensive,
14 time-consuming cleanup, repair, or remediation activities.

15 (4) Schools with environmentally healthy conditions report improved
16 academic performance and reduction in absenteeism.

17 (b) It is the purpose of this chapter to require the establishment and
18 implementation of minimum environmental health standards in schools in
19 order to protect the health of the children and other school occupants by
20 reducing exposure to toxic substances, health hazards, and other adverse
21 environmental conditions.

1 § 1792. DEFINITIONS

2 As used in this chapter:

3 (1) “Drinking water” shall have the same meaning as set forth in

4 10 V.S.A. § 1671.

5 (2) “Green cleaning” shall have the same meaning as set forth in section

6 1781 of this title.

7 (3) “Hazardous material” shall have the same meaning as set forth in

8 10 V.S.A. § 6602.

9 (4) “Health hazard” shall have the same meaning as set forth in section

10 1416 of this title.

11 (5) “Ionizing radiation” shall have the same meaning as set forth in

12 section 1651 of this title.

13 (6) “Minimum general sanitary standards” as used in this section means

14 the minimum standards reasonably consistent with assuring adequate

15 protection of the public health. The word “standards” as used in this section

16 means standards reasonably designed to promote and protect the public health

17 (7) “Pesticide” shall have the same meaning as used in 6 V.S.A. § 1101.

18 (8) “New school construction” or “new construction” means:

19 (A) construction of a new school building;

20 (B) additions to existing schools;

21 (C) renovation, other than minor repair, of existing schools;

1 (D) establishing a school in all or part of an existing structure
2 previously designed or utilized for other purposes;

3 (E) installation or alteration in a school of any equipment or systems
4 subject to rules adopted under this chapter; or

5 (F) construction or erection of portable or temporary structures.

6 (9) "School" means:

7 (A) a public school as that term is set forth in 16 V.S.A. § 11;

8 (B) a regional technical center as that term is set forth in 16 V.S.A.

9 § 1522;

10 (C) a comprehensive high school as that term is set forth in 16 V.S.A.

11 § 1522; and

12 (D) an approved independent school as defined in 16 V.S.A. § 11

13 located in Vermont.

14 (10) "School district" shall have the same meaning as used in 16 V.S.A.

15 § 11.

16 (11) "School facility" means all or any part of any building,

17 improvements to real property, equipment, furnishings, appurtenances, utilities

18 and other property, real or personal, necessary for operation of a school.

19 (12) "Supervisory union" shall have the same meaning as set forth in

20 16 V.S.A. § 11.

1 (13) “Toxic substance” means any substance in a gaseous, liquid, or
2 solid state that is used, applied, or stored in a school and that:

3 (A) is listed pursuant to Title III, Section 313 of the Superfund
4 Amendments and Reauthorization Act of 1986; or

5 (B) presents a significant risk to safety or health during or as a result
6 of customary or reasonably foreseeable handling or use.

7 § 1793. SCHOOL ENVIRONMENTAL HEALTH PLANS

8 (a) Required environmental health plan. Each school, school district, or
9 supervisory union shall develop, adopt, and enforce an environmental health
10 plan for each school facility that is at least as stringent as the model plan
11 adopted by the Commissioner under section 1794 of this title. A plan shall be
12 updated at least every five years.

13 (b) Districtwide plan. A school district or supervisory union may comply
14 with the requirements of subsection (a) of this section by adoption of a
15 districtwide plan that includes requirements or criteria tailored to each specific
16 school facility in the district. Requirements or criteria for each specific school
17 facility shall be at least as stringent as the model plan adopted by the
18 Commissioner under section 1794 of this title.

19 (c) Commissioner review. Prior to implementation of an environmental
20 health plan, a school, school district, or supervisory union shall submit a draft
21 plan to the Commissioner for review and a determination that the plan satisfies

1 the minimum requirements adopted under section 1794 of this title for a plan.
2 The Commissioner shall make a determination under this section in writing. If
3 the Commissioner determines that a submitted plan does not meet the
4 minimum requirements for a plan, the Commissioner shall specify the basis of
5 the determination.

6 (d) Failure to adopt environmental health plan. If a school, school district,
7 or supervisory union fails to adopt an environmental health plan for a school
8 facility or a districtwide plan by July 1, 2019, the school, school district, or
9 supervisory union shall be deemed to have adopted the model plan adopted by
10 the Commissioner under section 1794 of this title for each school facility.

11 (e) Publication of environmental health plan. A school, school district, or
12 supervisory union shall make the environmental health plan available to the
13 public in the manner provided under 16 V.S.A. § 563(1).

14 § 1794. MINIMUM REQUIREMENTS; ENVIRONMENTAL HEALTH
15 PLANS; MODEL PLAN

16 (a) Minimum requirements. The Commissioner of Health shall adopt by
17 rule minimum requirements for inclusion in a school environmental health plan
18 required under section 1793 of this title. The rule shall establish standards or
19 requirements for:

1 (1) prevention of and response to exposure to environmental conditions,
2 including ionizing radiation, that may be deemed necessary for the protection
3 of the public health;

4 (2) prevention of and response to exposure to hazardous materials, toxic
5 substances, and pesticides that may be deemed necessary for the protection of
6 public health;

7 (3) green cleaning that comply with and are at least as stringent as the
8 requirements of chapter 39 of this title;

9 (4) investigating and remediating mold awareness;

10 (5) air quality inside and outside a school, including standards for
11 ventilation that optimize fresh air in the school;

12 (6) exposure to noise in all areas inside the school and in areas outside
13 the school, including:

14 (A) an acceptable hourly average maximum sound level during the
15 time of day the school is in session; and

16 (B) in a school that exceeds the acceptable hourly average sound
17 level, requirements for noise reduction or mitigation.

18 (7) drinking water quality in a school, including requirements of
19 10 V.S.A. chapter 56 and rules adopted thereunder;

20 (8) compliance with the requirements of 2014 Acts and Resolves
21 No. 68; and

1 (9) exposure in schools to other health hazards identified by the
2 Commissioner.

3 (b) Model environmental health plan; inspection form. The rules required
4 under this section shall include:

5 (1) a model environmental health plan that a school, school district, or
6 supervisory union could implement to address health hazards at a school
7 facility; and

8 (2) a model school inspection form that a school environmental health
9 committee can use to fulfill the requirement of subsection 1795(b) of this title.

10 (c) Additional standards. Rules adopted under this section shall be
11 minimum standards to be followed by schools, school districts, or supervisory
12 unions for school facilities. For optimum environmental health, a school,
13 school district, or supervisory union may implement measures or management
14 practices that exceed the minimum requirements.

15 § 1795. SCHOOL ENVIRONMENTAL HEALTH COMMITTEE

16 (a) Environmental health committee. Each school facility shall establish a
17 school environmental health committee, comprising the following:

18 (1) the school nurse;

19 (2) a person responsible for management of the school facility;

20 (3) a school administrator;

21 (4) a teacher at the school;

1 (5) a student at the school; and

2 (6) a member of the public.

3 (b) Review of environmental health plan. Each school environmental
4 health committee at least twice a year shall inspect the school facility and the
5 school ground for compliance with the school environmental health plan. The
6 school environmental health committee shall identify any visible lack of
7 compliance with the school environmental health plan.

8 (c) Reporting; public notice. The school environmental health committee
9 shall submit the results of its inspection to the Department of Health within
10 two weeks of conducting an inspection. The Department of Health shall post
11 submitted school inspection reports to the Department website for public
12 review. The school shall maintain a paper copy of inspection reports available
13 to the public at the school.

14 § 1796. NEW SCHOOL CONSTRUCTION STANDARDS

15 The Commissioner of Health, in consultation with the Secretary of Natural
16 Resources and the Manager of the Vermont Occupational Safety and Health
17 Administration, shall adopt by rule minimum environmental health
18 requirements to be satisfied in the siting and development of new school
19 construction, including requirements for:

20 (1) siting of new construction to limit exposure to health hazards;

1 (2) ventilation systems designed to meet the air quality standards
2 established under subsection 1794(a) of this title;

3 (3) sound control that, at a minimum, is designed to satisfy the noise
4 exposure requirements of subsection 1794(a) of this title;

5 (4) water supply in compliance with the requirements of 10 V.S.A.
6 chapter 56 and rules adopted thereunder;

7 (5) wastewater disposal in compliance with the requirements of
8 10 V.S.A. chapter 61 and rules adopted thereunder; and

9 (6) lighting in the classroom.

10 § 1797. SUBSTITUTE PROCEDURES OR EQUIPMENT; EXISTING
11 REQUIREMENTS

12 (a) Substitutions. The Commissioner may allow the substitution of
13 procedures or equipment for a requirement in a rule adopted under this chapter
14 when the proposed substitute procedure or equipment has been demonstrated
15 to be equivalent to or exceed the environmental health protection of the
16 requirement in rule. The Commissioner shall authorize substitute procedures
17 or equipment in writing.

18 (b) Existing requirements. The rules adopted under this chapter shall not
19 excuse or exempt a school from compliance, when applicable, with other
20 environmental or health requirements in statute or rule.

1 § 1798. TRAINING

2 (a) Training program. The Commissioner of Health shall develop a
3 program for training employees of schools, school districts, or supervisory
4 unions regarding:

5 (1) the requirements of rules adopted under this chapter;

6 (2) implementation of a school environmental health plan, including
7 methods for educating school employees and students of the requirements of
8 the plan; and

9 (3) how to identify, assess, and respond to health hazards in a school.

10 (b) Required training; additional employee training.

11 (1) Each supervisor of a school facility shall complete an annual
12 environmental health training course provided by the Commissioner or an
13 approved entity.

14 (2) A school or school district may require additional employees other
15 than the school facility supervisor to complete training under this section in
16 order to ensure institutional knowledge at every school of the environmental
17 health requirements of this chapter.

18 (c) Approved entities. The Commissioner may approve or authorize the
19 training required by this section to be conducted by qualified entities other than
20 the Department of Health.

1 § 1799. ENVIRONMENTALLY HEALTHY SCHOOLS FUND

2 (a) Creation of Fund. There is created a special fund known as the
3 Environmentally Healthy Schools Fund to be administered by the
4 Commissioner of Health, in consultation with the Secretary of Education and
5 the Manager of the Vermont Occupational Safety and Health Administration.

6 The Fund shall consist of:

7 (1) federal grants and other funds collected or acquired by the
8 Commissioner of Health for the purpose of implementation of the requirements
9 of this chapter;

10 (2) other gifts, donations, and bequests, public or private, dedicated for
11 deposit into the Fund; and

12 (3) monies that may be appropriated by the General Assembly.

13 (b) Use of Fund. The Commissioner may use monies deposited in the Fund
14 to provide grants to schools, school districts, or supervisory unions for:

15 (1) implementation of environmental health plans required under
16 section 1793 of this title;

17 (2) completion of the training required under section 1797 of this title;

18 (3) assistance in completion of the requirements for new construction
19 adopted under section 1795 of this title; and

20 (4) costs to the Department of Health of implementing and
21 administering the requirements of this title, provided that annual disbursements

1 to the Department of Health under this subdivision shall not exceed 2.0 percent
2 of monies deposited in the Fund annually.

3 (c) Application; prioritization of awards from Fund. The Commissioner
4 shall establish by procedure the process by which schools, school districts, or
5 supervisory unions shall apply for grants from the Fund. If monies in the
6 Funds are not sufficient to satisfy demands for grants, the Commissioner may
7 adopt by procedure criteria for prioritization of awards of grants from the
8 Fund.

9 (d) Interest on Fund. Notwithstanding the requirements of 32 V.S.A.
10 § 588(3) and (4), interest earned by the Fund and the balance of the Fund at the
11 end of the fiscal year shall be carried forward in the Fund and shall not revert
12 to the General Fund.

13 § 1800. ENFORCEMENT; PENALTIES

14 (a) The requirements of this chapter shall be enforceable by the
15 Commissioner of Health under section 130 of this title.

16 (b) A school that violates the requirements of this chapter shall be subject
17 to a civil penalty of not more than \$200.00 for a first offense, \$500.00 for a
18 second offense, and \$1,000.00 for a third or subsequent offense.

19 Sec. 2. FUNDING

20 The Commissioner of Health shall seek federal and other available funds for
21 implementation of the requirements of this act. Any funds obtained by the

1 Commissioner for implementation of this act shall be deposited in the
2 Environmentally Healthy Schools Fund to be used for the purposes of that
3 Fund.

4 Sec. 3. DEPARTMENT OF HEALTH REPORT ON DATA AND FUNDING

5 On or before January 15, 2018, and annually thereafter, the Commissioner
6 of Health shall submit to the House and Senate Committees on Education, the
7 House Committee on Human Services, the Senate Committee on Health and
8 Welfare, and the House and Senate Committees on Appropriations a report
9 regarding the implementation of the environmental health standards for schools
10 under 18 V.S.A. chapter 40. The report shall include:

11 (1) a summary of the implementation of the environmental health
12 standards for schools, including the general rate of compliance of schools with
13 the requirements of 18 V.S.A. chapter 40;

14 (2) a summary of the data submitted to the Department of Health by
15 schools, and a summary of any trends or issues of concern identified by the
16 Department in the reported data;

17 (3) funds available to schools from the Environmentally Healthy
18 Schools Fund, including:

19 (A) an accounting of the Fund, including projected funding in the
20 next fiscal year;

21 (B) a summary of the source of monies in the Fund;

1 (C) a summary of grants made to schools or school districts from the
2 Fund; and

3 (D) a recommendation of funding needed to meet school and school
4 district needs in complying with the requirements of 16 V.S.A. chapter 40,
5 including potential revenue or funding sources; and

6 (4) recommendations, including proposed legislative or rulemaking
7 changes, to improve the implementation of the environmental health standards
8 for schools.

9 Sec. 4. IMPLEMENTATION; ADVISORY GROUP

10 (a) The Commissioner of Health shall adopt by July 1, 2018 the rules
11 required under 16 V.S.A. § 1794 for minimum requirements for a school
12 environmental health plan.

13 (b) The Commissioner of Health shall adopt by July 1, 2019 the rules
14 required under 16 V.S.A. § 1795 establishing the minimum environmental
15 health requirements to be satisfied in the siting and development of new school
16 construction.

17 (c) The Commissioner of Health, in consultation with the Secretaries of
18 Education and of Natural Resources, shall convene an advisory panel to consist
19 of representatives of superintendents, school boards, teachers, principals,
20 parents, school nurses, school environmental health advocates, environmental
21 advocates, developers, builders, and other interested parties to offer input and

1 recommendations regarding implementation of this act, including the rules
2 required under 17 V.S.A. §§ 1794 and 1795.

3 (d) The Commissioner of Health shall continue to maintain the electronic
4 school environmental health clearinghouse website required under 2001 Acts
5 and Resolves No. 125, Sec. 2. The Commissioner shall update the
6 clearinghouse website to include the requirements of this act and the rules
7 required under Sec. 1 of this act.

8 Sec. 5. EFFECTIVE DATES

9 This act shall take effect on July 1, 2017, except that 18 V.S.A. §§ 1793
10 (environmental health plans) and 1798 (training) shall take effect on January 1,
11 2019.