WEST VIRGINIA LEGISLATURE
Regular Session, 2002

ENROLLED

SENATE BILL NO. 32

(By Senator Hunter, et al.)

PASSED March 9, 2002

In Effect Thirty Days from Passage
AN ACT to amend and reenact section three, article nine-e, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to air quality in schools; requiring the school building authority to promulgate rules to establish a process for independent testing, adjusting and balancing heating, ventilation and air conditioning systems; requiring training for the maintenance and operation of the heating, ventilation and air conditioning systems; requiring report of completed training and plan for continued education; and requiring report of certain indoor air quality problems.
Be it enacted by the Legislature of West Virginia:

That section three, article nine-e, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 9E. AIR QUALITY IN NEW SCHOOLS ACT.

§18-9E-3. Air quality in new schools.

(a) In an effort to create well-ventilated school environments and notwithstanding any other provision of this code to the contrary, any new school building designed and constructed in the state by a county board, regardless of the funding source, shall be designed and constructed in compliance with the current standards of the American society of heating, refrigerating and air conditioning engineers handbook (ASHRAE), the national fire protection association code (NFPA) and the code of the building officials and code administrators (BOCA).

(b) Upon notice from the school building authority that a new public school building is occupied, the division of health shall perform radon testing in the school within the first year after occupancy and at least every five years thereafter. The county board shall provide any reasonable assistance to the division of health that is necessary to perform the radon testing. The radon testing shall include all major student-occupied areas at or below grade level. If it is determined that radon is present in amounts greater than the amount determined to be acceptable by the rules promulgated by the school building authority, pursuant to subsection (d) of this section, any industry accepted mitigation technique shall be used to reduce the radon level to the level or below the level determined acceptable by the school building authority.

(c) If the school building authority determines that it is feasible to test for radon prior to the construction of a school building, the school building authority may cause preconstruction site testing for radon to be performed.
(d) The school building authority shall promulgate rules pursuant to article three-a, chapter twenty-nine-a of this code to ensure that any new school building designed after the effective date of this article is designed and constructed in accordance with the current ASHRAE, NFPA and BOCA standards. The school building authority shall promulgate rules, pursuant to article three-a, chapter twenty-nine-a of this code, that establish standards for safe levels of radon for public school buildings. The rules shall include the requirement that county boards submit all new school designs to the school building authority for review and approval for compliance with current education standards and design efficiencies prior to preparation of final bid documents.

(e) On or before the first day of July, two thousand two, the school building authority shall promulgate rules to establish a process for independent testing, adjusting and balancing (TABS) heating, ventilation and air conditioning (HVAC) systems in new school buildings or renovated schools when the HVAC system has been replaced prior to occupancy. The process shall be consistent with current ASHRAE standards and shall include, but not be limited to, the following:

1. Requiring HVAC designers to be professional engineers registered in this state in the specific discipline associated with the system being designed;
2. Requiring a process to ensure that the HVAC system has been installed in the prescribed manner and will operate within the performance guidelines as designed;
3. Requiring participation of the design engineer who designed the system to verify the intent of the design;
4. Requiring the TAB agent to be qualified to perform the desired services and perform testing and balancing procedures, or qualified to perform other school building authority-approved certification according to the
procedures contained in the associated air balance
council (AABC) national standards, the national environ-
mental balancing bureau (NEBB) procedural standards
and the environment engineering consultants (EEC)
standards for testing, adjusting and balancing of envi-
ronmental systems;
(5) Requiring that the independent TAB agent directly
represent the building owner and is under contract with
the building owner and paid from project funds;
(6) Requiring that sufficient documentation is provided
to the owner to facilitate control and maintenance of the
systems in accordance with the manufacturer's require-
ments;
(7) Requiring that sufficient training is provided by the
equipment manufacturer or an agent of the manufac-
turer to those persons who will operate and maintain the
systems prior to occupation of the facility, including at
least one full day follow-up training between six and
eight months after the facility has been occupied; and
(8) Requiring certification upon successful completion
of the TAB process by the independent TAB agent.
(f) To ensure proper maintenance and operation of new
and replacement HVAC equipment, the department of
education, using existing staff, shall provide county
maintenance personnel additional training on the
equipment and its controls at the site of the installation.
The training shall occur within one year after student
occupation of any new school facility or at any existing
school facility where the HVAC system has been replaced
or generally rehabilitated. Additionally, the department
of education's facility staff shall provide on-site training
to the county maintenance staff on the county's HVAC
equipment at any facility that has been determined to
have problematic indoor air quality as identified through
the complaint procedure set forth in state board policy
6202.
(g) Upon completion of the required training, the department of education's facility staff shall provide the county board a report summarizing the training that was completed and a plan for continuing education of the county's HVAC staff. If sufficient staff is not available to the county to perform maintenance on HVAC systems, the department of education's staff shall assist the county in the development of an immediate and long range maintenance plan to ensure that HVAC systems are maintained and operated according to the manufacturer's recommendations.

(h) Beginning the first day of July, two thousand two, and every three months thereafter, the department of education shall forward to the school building authority copies of any complaints received by the department of education of indoor air quality problems which require system repair or replacement and are identified through the complaint procedure established in state board policy 6202.

(i) The state board shall promulgate rules, pursuant to article three-b, chapter twenty-nine-a of this code, in consultation with the division of health, that authorize the use of any appropriate floor covering in public school buildings, based on user needs and performance specifications.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within-appropriation this the 28th Day of March, 2002.

Governor
PRESENTED TO THE
GOVERNOR
Date 3/29/02
Time 9:45 AM