

TITLE 410 INDIANA STATE DEPARTMENT OF HEALTH

LSA #09-682

SUMMARY/RESPONSE TO COMMENTS FROM PUBLIC HEARING

The Indiana State Department of Health's (ISDH) Executive Board preliminarily adopted Rule 410 IAC 33, Indoor Air Quality Rule, on May 5, 2010. ISDH published the proposed rule on September 15, 2010 in the Indiana Register. A public hearing was held in Indianapolis on October 12, 2010 to solicit comments from the public on the proposed rule. The record of the hearing was held open for submission of written comments, until October 12, 2010. The following parties made comments during the public hearing or submitted written comments:

Jodi Perras, Executive Director, Improving Kids' Environment

Roger Cohen, Staff Scientist, Patriot Engineering and Environmental

Barbara Lucas, Asthma Program Director, Indiana State Department of Health

The following is a summary of the comments received and ISDH's responses thereto:

Comments received from Jodi Perras, Executive Director, Improving Kids' Environment:

1. IAQ Coordinator Definition: Insert "for issues relating to indoor air quality" between "person" and "for," so that the definition reads:

Sec. 6. "IAQ coordinator" means a person who is designated by the school or state agency to serve as a lead contact person *for issues relating to indoor air quality* for the following...

ISDH Response: The agency agrees with this recommendation and has made the necessary changes.

2. Vehicle Idling: Because the ISDH Best Practices Manual for IAQ is not yet available, we believe the draft vehicle idling rule should be strengthened to specify what the school's vehicle idling policy must include. We also believe the 100-foot idle-free zone may be inadequate on some days and on some campuses where natural air flows carry vehicle exhaust toward the school building. IKE suggested the following edits (*in italics*) to the draft rule:

410 IAC 33-4-3 Vehicle idling

Sec. 3. Schools shall adopt and enforce a written policy to address any idling vehicles *on school grounds*. This policy:

(1) shall be modeled after the state department's manual of best practices for managing IAQ in schools; and

ISDH Response: The agency agrees with this recommendation and has made the necessary changes.

(2) shall, at minimum, include the following provisions:

- *As a general rule, engines should be off when buses are not moving;*
- *The engine should be turned off as soon as possible after arriving at loading or unloading areas;*
- *The school bus should not be restarted until it is ready to depart;*
- *Drivers should limit idling time during early morning warm up to what the manufacturer recommends (generally no more than five minutes);*
- *All service delivery vehicles shall turn off the engines while making deliveries to school buildings;*
- *Parents, guardians and students should be prohibited from idling vehicles on school grounds.*

ISDH Response: The agency has an example policy in our Best Practices Manual along with links to examples of other group's policies. Requiring the school's policy to be modeled after the one in our Best Practices manual allows the school to develop a policy best suited for their campus without the restrictions listed above.

(3) shall be available for the state inspector's review.

ISDH Response: The agency has not adopted this recommendation and has not made a change.

3. HVAC: The proposed rule governing HVAC should be strengthened to mandate minimum frequency to clean HVAC coils and change filters. With reductions in school maintenance budgets, it is important for the state to set minimum standards for maintaining HVAC systems, based upon generally accepted practices of HVAC professionals. The rule also should be more specific in requiring that supply and return air pathways for the ventilation system should be unobstructed and perform as required. IKE suggested the following edits (*in italics*) to the draft rule:

410 IAC 33-4-5 HVAC

Sec. 5. (a) Schools shall establish and maintain a written procedure for routine maintenance of HVAC systems. This procedure shall include, but is not limited to, the following items:

- (1) A schedule for inspecting the HVAC system, including an annual inspection.**
- (2) *Ensuring that all supply and return air pathways in the ventilation system are unobstructed and perform as required.***

ISDH Response: The agency agrees with this recommendation and has made the necessary changes.

(3) A schedule for cleaning the HVAC coils (*annually, at minimum*).

ISDH Response: The agency agrees with this recommendation and has made the necessary changes.

(4) A schedule for *inspecting and changing filters (at minimum, filters should be changed every three months during the normal school year).*

ISDH Response: The agency agrees with inserting “inspecting and” into the rule and has made the necessary changes. The agency feels requiring filter changes every three months is too restrictive considering the wide range of systems in use in Schools. As technology changes this could quickly become outdated and an unnecessary expense to the schools.

4. Chemicals. The section on chemicals (Section 8) focuses primarily on chemicals used in classrooms. This section should be expanded to require schools to review other chemicals used on school property, including pesticides, disinfectants and cleaning chemicals. We understand that some schools are being sold hospital-grade cleaning and disinfecting chemicals, which are dangerous and unnecessary in school facilities. The State Chemist’s office is promulgating a new rule governing the use of pesticides in schools, which should minimize unnecessary exposure to pesticides. The ISDH rule should reference the rule approved by the Indiana Pesticide Review Board, once it goes into effect. IKE suggested the following changes (*in italics*) to the draft rule:

410 IAC 33-4-8 Chemicals

(c) The school *must* adopt and enforce a policy that minimizes student and staff exposure to chemicals, including the following, where appropriate:

- (1) *Chemicals used in the classroom.***
- (2) *Bactericides.***
- (3) *Disinfectants.***
- (4) *Germicides.***
- (5) *Sanitizing agents.***
- (6) *Swimming pool chemicals.***
- (7) *Water purifying chemicals***
- (8) *Pesticides, pursuant to requirements under [INSERT IAC citation].***

ISDH Response: The agency agrees with the recommendation to change Section 4-8 (c) from “can” to “must” and has made the necessary change. The agency feels Section 4-8(c) is broad and does not limit the required policy to classroom use of chemicals. In response to referencing the State Chemist’s Office’s new rule on pesticides in schools, as that rule is not final, the agency feels it is premature to reference it in this rule. The agency will recommend the proposed list of chemicals, and the new Pesticide use rule when final, be referenced in the Best Practices Manual.

5. Furniture: The rule should also require that schools adopt a policy prohibiting the donation of used upholstered furniture for use in instructional areas, since this type of furniture is known to harbor dust mites, mold and other common allergens that affect children with asthma. IKE suggested the following changes (*in italics*) to the draft rule:

410 IAC 33-4-9 Furniture

Sec. 9. (a) Furniture in classrooms shall be maintained so as to prevent the accumulation or growth of allergens. This shall include routine cleaning as appropriate for the type of furniture.

(b) The school shall adopt a policy discouraging or prohibiting the donation of used upholstered furniture for use in instructional areas.

ISDH Response: The agency feels the Best Practices manual is a better format for addressing the hazards of upholstered furniture and will include it in the manual.

6. Construction: The rule related to school construction should be strengthened to include other steps designed to prevent exposure to construction-related indoor air pollutants. The changes recommended below would encourage schools to consider products and materials that create minimal off-gassing, to increase housekeeping activities during construction, and to allow time for off-gassing before space is occupied. These steps are recommended by the U.S. Environmental Protection Agency under its IAQ checklists for renovation and repair.

410 IAC 33-4-10 Construction

Sec. 10. (a) During building renovation or additions, steps must be taken to ensure pollutants from these areas do not enter the occupied spaces. These steps may include, but are not limited to, the following:

- (1) *Selecting products and materials with minimal off-gassing.***
- (2) *Keeping the occupied spaces under positive pressure in relation to the work areas.***
- (3) *Filtration.***
- (4) *Limiting certain activities to times of no occupancy.***
- (5) *Temporary partitions.***
- (6) *Increasing housekeeping activities during renovation or additions.***
- (7) *Allowing time for off-gassing before space is occupied.***
- (8) *Other appropriate actions.***

ISDH Response: The agency agrees with these recommendations but feels better wording for section 10(a)(7) would be “Ventilate area prior to occupancy to reduce airborne contaminants due to construction activities”. The agency has made the necessary changes.

Comments received from Mr. Cohen, Staff Scientist, Patriot Engineering and Environmental:

Mr. Cohen had some suggestions to changes in section 410 IAC 33-4-6 Allergens; irritants to ensure best practice in regards to mold remediation. It might be advisable to have schools adopt and enforce a written policy in regards to mold response, similar in idea to that proposed in 410 IAC 33-4-3 Vehicle idling. This policy could lay-out various practices to ensure containment, such as sealing the HVAC system and laying down plastic sheeting, and to assess completeness of abatement through air monitoring. It could also distinguish best practice methods depending on the size and location of the area undergoing corrective action.

A possible guide for this information is the *Guidelines on Assessment and Remediation of Fungi in Indoor Environments* by the New York City Department of Health and Mental Hygiene, November 2008. It can be found here:
<http://www.nyc.gov/html/doh/downloads/pdf/epi/epi-mold-guidelines.pdf>.

ISDH Response: The agency is going to address this in the Best Practices manual by referencing the Environmental Protection Agency's (EPA's) document "Mold Remediation in Schools and Commercial Buildings" as it is written for schools.

Mr. Cohen also stated his concerned that in Section 7(b) Fish in aquariums are exempt from the educational requirements but that is a source of mold and allergens if the aquarium is not properly cleaned.

ISDH Response: Section 7 (b) only exempts fish in aquariums from the educational requirement. The school must still have a policy that includes housekeeping requirements. The housekeeping requirement will address proper cleaning of aquariums or any other type of structure housing animals.

Comments received from Barbara Lucas, Asthma Program Director, Indiana State Department of Health:

Ms. Lucas recommended Section 8(c) Chemicals, be changed from "can" to "must."

ISDH Response: This comment was also made by IKE. The agency agrees with the recommendation to change Section 4-8 (c) from "can" to "must" and has made the necessary change.