

**Economic Impact Statement**  
LSA Document #09-682

**IC 4-22-2.1-5 Statement Concerning Rules Affecting Small Businesses****Description of the Rule**

In 2009, House Enrolled Act 440 was enacted by the General Assembly amending [IC 16-41-37.5](#). The Act requires the Indiana State Department of Health (ISDH) to adopt rules concerning indoor air quality (IAQ) in schools and state agencies. The Act provides that after the ISDH inspects a school or state agency for IAQ as the result of a complaint, the ISDH must report certain information. It provides that such a complaint must be in writing, may be made by electronic mail, and may be anonymous. The Act allows the ISDH to release the name of a complainant only if the complainant has authorized the release in writing.

The proposed rule adds [410 IAC 33](#) to establish an IAQ inspection, evaluation, and parent and employee notification program to assist schools and state agencies in improving IAQ. As part of the inspection and evaluation program, the rule will establish best practices and necessary minimum standards for IAQ in schools and state agencies, regulate items that affect the IAQ, specify when the department will inspect for IAQ, and establish requirements for parent or employee, or both, notification of IAQ evaluation findings.

**Economic Impact on Small Businesses****1. Estimate of the number of small businesses, classified by industry sector, that will be subject to the proposed rule.**

[IC 4-22-2.1-4](#) defines a small business as any person, firm, corporation, limited liability company, partnership or association that: (1) is actively engaged in business in Indiana and maintains its principal place of business in Indiana; (2) is independently owned and operated; (3) employs one hundred (100) or fewer full-time employees; and (4) has gross annual receipts of five million dollars (\$5,000,000) or less. Schools and state agencies do not fall within the definition of a small business.

**2. Estimate of the average annual reporting, record keeping, and other administrative costs that small businesses will incur to comply with the proposed rule.**

None.

**3. Estimate of the total annual economic impact that compliance with the proposed rule will have on all small businesses subject to the rule.**

None.

**4. Statement justifying any requirement or cost that is imposed on small businesses by the rule; and not expressly required by the statute authorizing the agency to adopt the rule; or any other state or federal law.**

A statement justifying any requirement or cost that is imposed on small businesses by this rule is not required. Small businesses will not be impacted by this rule.

**5. Regulatory Flexibility Analysis.**

Other factors considered:

**A. Establishment of less stringent compliance or reporting requirements for small businesses.**

Not applicable.

**B. Establishment of less stringent schedules or deadlines for compliance or reporting requirements for small businesses.**

Not applicable.

**C. Consolidation or simplification of compliance or reporting requirements for small businesses.**

Not applicable.

**D. Establishment of performance standards for small businesses instead of design or operational standards imposed on other regulated entities by the rule.**

Not applicable.

**E. Exemption of small businesses from part or all of the requirements or costs imposed by the rule.**

Not applicable.

**Conclusion**

The proposed rule adds [410 IAC 33](#) to establish an IAQ inspection, evaluation, and parent and employee notification program to assist schools and state agencies in improving IAQ. The proposed rule does not require additional costs for small businesses because only schools and state agencies are affected by this proposed rule.

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