

By Mrs. Walrath of Stow, petition of Patricia A. Walrath, other members of the General Court and others for legislation to require public buildings to meet certain air quality ventilation standards. State Administration.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Eighty-Nine.

AN ACT TO REQUIRE PUBLIC BUILDINGS TO MEET CERTAIN AIR QUALITY VENTILATION STANDARDS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. The following words, terms, and abbreviations
2 used in this subchapter shall have the following meanings unless
3 the context clearly indicates otherwise.

4 "Outdoor air supply rate" shall mean a rate of outdoor air
5 required for ventilation, which is not less than the cfm rate as
6 contained in Table 2 of the ASHRAE Ventilation for Acceptable
7 Indoor Air Quality Standards 62-1989.

8 "Code" shall mean the Massachusetts State Building Code, as
9 adopted by the State Board of Building Regulations and
10 Standards.

11 "cfm" shall mean cubic feet per minute.

12 "Owner/lessor" shall mean every person who alone or jointly
13 or severally with others (a) has legal title to any building or
14 structure; or (b) has care, charge, or control of any building or
15 structure in any capacity including but not limited to agent,
16 executor, executrix, administrator, administratrix, trustee or
17 guardian of the estate of the holder of legal title; or (c) lessee under
18 a written letting agreement; or (d) mortgagee in possession; or
19 (e) agent, trustee or other person appointed by the courts. Each
20 such person is bound to comply with the provisions of this code.

21 "Public building", shall mean all buildings constructed by the
22 Commonwealth or any political subdivision thereof with pub-
23 lic funds and open to public use, including but not limited to those

24 constructed by public housing authorities, the Massachusetts
25 Port Authority, the Massachusetts Parking Authority, the
26 Massachusetts Turnpike Authority, or building authorities of any
27 public educational institution, or their successors; and pri-
28 vately financed buildings that are opened to and used by the
29 public.

1 SECTION 2. The Massachusetts State Building Code, as
2 adopted by the State Board of Building Regulations and
3 Standards, is hereby amended by inserting in Article 504.1 after
4 the word "Appendix B" the following:

5 "Mechanical ventilation systems in public buildings shall be
6 maintained and operated to provide the outdoor air supply rate
7 as defined in Section 1."

1 SECTION 3. The Code is hereby further amended by adding
2 in Article 504.2 the following:

3 "Mechanical ventilation systems in public buildings shall be
4 maintained and operated to provide the outdoor air supply rate
5 as defined in Section 1."

1 SECTION 4. The Code is hereby further amended in Article
2 514.1, by striking out the phrase "except that the minimum
3 amount of fresh outdoor air quantity for schools and office
4 buildings shall not be less than 10 cfm per person," after the word
5 "Appendix B," and inserting in place thereof the following:

6 "Mechanical ventilation systems in public buildings shall be
7 maintained and operated to provide the outdoor air supply rate
8 as defined in Section 1."

1 SECTION 5. The Mechanical ventilation system shall be
2 operated continuously during working hours except:

- 3 (a) during scheduled maintenance and emergency repairs;
- 4 (b) during periods not exceeding a total of 90 hours per
5 calendar year when a serving electric utility by contractual
6 arrangement requests its customers to decrease electrical power
7 demand; or
- 8 (c) during periods for which the owner/lessor can demonstrate
9 that the quantity of outdoor air supplied by nonmechanical means

10 meets the outdoor air supply rate required by this Section. The
11 owner/lessor must have available a record of calculations and/
12 or measurements substantiating that the required outdoor air
13 supply rate is satisfied by infiltration and/or by a nonmechanically
14 driven outdoor air supply system.

1 SECTION 6. The Mechanical ventilation system shall be
2 inspected at least annually by the owner/lessor and problems
3 found during these inspections shall be corrected within a
4 reasonable time.

5 Inspections and maintenance of the Mechanical ventilation
6 system shall be documented in writing. The owner/lessor shall
7 record the name of the individual(s) inspecting and/or
8 maintaining the system, the date of the inspection and/or
9 maintenance, and the specific findings and actions taken. The
10 owner/lessor shall ensure that such records are retained for at least
11 five years.

12 The owner/lessor shall make all records required by this section
13 available for examination within 48 hours of a request, to any
14 authorized representative of the department, to any employee of
15 the owner/lessor affected by this section, and to any designated
16 representative of said employee of the owner/lessor affected by
17 this section.

18 Any employee affected by this section shall have the right to
19 report any violation of these standards to the local building
20 inspector, the Department of Labor and Industries, or the
21 Department of Public Health, depending on the jurisdiction of
22 each department.

1 SECTION 7. Anyone who shall violate a provision of this code
2 shall be punished by a fine of not more than one thousand dollars
3 (\$1,000) or by imprisonment for not more than one year, or both,
4 for each violation. Each day during which any portion of a
5 violation continues shall constitute a separate offense.

6 The imposition of the penalties herein prescribed shall not
7 preclude the building official from instituting appropriate action
8 to prevent unlawful construction or to restrain, correct or abate
9 a violation, or to prevent illegal occupancy of a building, structure

10 or premises or to stop an illegal act, conduct business or use of
11 a building or structure in or about any premises.

1 SECTION 8. The provisions of this statute shall be deemed
2 severable, and if any part of this statute shall be adjudged
3 unconstitutional or invalid, such judgment shall not affect other
4 valid parts thereof.