

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

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Ninety-Seven.

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 Chapter 143 of the General Laws is hereby amended by insert-
2 ing after section 61 the following four sections:—

3 Section 61A. As used in sections sixty-one B to sixty-one D,
4 inclusive, the following words shall, unless the context clearly
5 indicates otherwise, have the following meanings:—

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

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

19 “Public building”, all buildings constructed by the common-
20 wealth or any political subdivision thereof with public funds and
21 open to public use, including, but not limited to, those constructed
22 by public housing authorities, the Massachusetts Port Authority,
23 the Massachusetts Parking Authority, the Massachusetts Turnpike

24 Authority, or building authorities of any public educational institu-
25 tion, or their successors; and privately owned buildings leased or
26 rented by the commonwealth or its political subdivisions.

27 Section 61B. Mechanical ventilation systems in public build-
28 ings shall be maintained and operated to provide the outdoor air
29 supply rate. The mechanical ventilation system shall be operated
30 continuously during working hours except:

31 (a) during scheduled maintenance and emergency repairs;
32 (b) during periods not exceeding a total of ninety hours per cal-
33 endar year when a serving electric utility by contracted arrange-
34 ment requests its customers to decrease electric power demand; or
35 (c) during periods for which the owner-lessor can demonstrate the
36 quantity of outdoor air supplied by non-mechanical means meets
37 the outdoor air supply rate required. The owner-lessor must have
38 available a record of calculations and measurements substantiating
39 that the required outdoor air supply rate is satisfied by infiltration
40 or by a non-mechanical driven outdoor air supply system.

41 Section 61C. The mechanical ventilation system shall be
42 inspected not less than annually by the owner-lessor and problems
43 found during these inspections shall be corrected within a reason-
44 able time. Inspections and maintenance of the mechanical ventila-
45 tion system shall be documented in writing. The owner-lessor
46 shall record the name of the individuals inspecting and main-
47 taining the system, the date of the inspection or maintenance and
48 the specific findings and actions taken and shall retain such
49 records for five years. All such records shall be made available by
50 the owner-lessor within forty-eight hours of a request to any
51 authorized representative of the owner-lessor to any employee of
52 the owner or lessee affected by this section or section sixty-one B
53 or to any designated representative thereof. Any such employee
54 shall have the right to report any violation to the local building
55 inspector, the department of labor and industries or the department
56 of public health, as the case may be.

57 Section 61D. Any person who violates any provision of section
58 sixty-one B or sixty-one C shall be punished by imprisonment in a
59 jail or house of correction for not more than one year or by a fine
60 of not more than one thousand dollars, or both. Each day during
61 which any portion of a violation continues shall constitute a sepa-
62 rate offense. The imposition of the penalties herein prescribed

63 shall not preclude the building official from instituting appropriate
64 action to prevent unlawful construction or to restrain, correct or
65 abate a violation, or to prevent illegal occupancy of a building,
66 structure or premises or to stop an illegal act, conduct business or
67 use of a building or structure in or about any premises.

