

118TH CONGRESS
2D SESSION

H. R. 9131

To authorize a national program to reduce the threat to human health posed by exposure to indoor air contaminants, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 25, 2024

Mr. TONKO (for himself and Mr. FITZPATRICK) introduced the following bill;
which was referred to the Committee on Energy and Commerce

A BILL

To authorize a national program to reduce the threat to human health posed by exposure to indoor air contaminants, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Indoor Air Quality and
5 Healthy Schools Act of 2024”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) ADMINISTRATOR.—The term “Adminis-
9 trator” means the Administrator of the Environ-
10 mental Protection Agency.

1 (2) COVERED CHILDCARE FACILITY.—The term
2 “covered childcare facility” means a facility used by
3 an early childhood education program.

4 (3) EARLY CHILDHOOD EDUCATION PRO-
5 GRAM.—The term “early childhood education pro-
6 gram” has the meaning given to that term in section
7 103 of the Higher Education Act of 1965 (20
8 U.S.C. 1003).

9 (4) INDOOR.—The term “indoor” means the
10 enclosed portions of buildings, including nonindus-
11 trial workplaces, public buildings, Federal buildings,
12 schools, childcare facilities, commercial buildings,
13 and residences.

14 (5) INDOOR AIR CONTAMINANT.—The term “in-
15 door air contaminant” means any solid, liquid, semi-
16 solid, dissolved solid, biogenic agent, aerosol, or gas-
17 eous material, including combinations or mixtures of
18 substances, in indoor air which may reasonably be
19 anticipated to have an adverse effect on human
20 health.

21 (6) INDOOR CONTAMINANT OF CONCERN.—The
22 term “indoor contaminant of concern” means an in-
23 door air contaminant that—

24 (A) is among the most commonly occurring
25 and poses a risk to human health; or

1 (B) is less commonly occurring and poses
2 a significant risk to human health.

3 (7) LOCAL EDUCATIONAL AGENCY.—The term
4 “local educational agency” means—

5 (A) a local educational agency (as defined
6 in section 8101 of the Elementary and Sec-
7 ondary Education Act of 1965 (20 U.S.C.
8 7801)); or

9 (B) a Tribal education agency (as the term
10 “tribal education agency” is defined in section
11 3 of the National Environmental Education Act
12 (20 U.S.C. 5502)).

13 (8) STATE.—The term “State” includes each of
14 the several States, the District of Columbia, Puerto
15 Rico, the Virgin Islands, Guam, American Samoa,
16 and the Commonwealth of the Northern Mariana Is-
17 lands.

18 **SEC. 3. INDOOR AIR QUALITY PROGRAM.**

19 (a) IN GENERAL.—The Administrator shall carry out
20 a program to support the assessment, reduction, and
21 avoidance of exposure to indoor air contaminants to re-
22 duce risks to human health.

23 (b) RESPONSIBILITIES.—In carrying out the program
24 under subsection (a), the Administrator shall support the
25 assessment, reduction, and avoidance of exposure to in-

1 door air contaminants to reduce risks to human health,
2 including by—

3 (1) carrying out research, development, and
4 demonstration activities pursuant to the Radon Gas
5 and Indoor Air Quality Research Act of 1986 (42
6 U.S.C. 7401 note);

7 (2) listing indoor contaminants of concern, and
8 developing guidelines for such indoor contaminants
9 of concern, under section 4;

10 (3) providing training, education, outreach, and
11 technical assistance to eliminate or reduce indoor air
12 contaminants, including by effective source control,
13 ventilation, and filtration practices;

14 (4) carrying out or recognizing voluntary cer-
15 tifications to identify and promote buildings that are
16 most effective at improving indoor air quality under
17 section 7;

18 (5) supporting efforts to improve indoor air
19 quality in buildings used by local educational agen-
20 cies and covered childcare facilities under section 8;

21 (6) ensuring effective consultation and coordi-
22 nation among Federal agencies in carrying out pro-
23 grams related to indoor air quality, including the
24 Department of Labor, the Department of Energy,
25 the Centers for Disease Control and Prevention, the

1 Department of Housing and Urban Development,
2 the Department of Health and Human Services, the
3 Department of Education, the Department of De-
4 fense, the Federal Emergency Management Agency,
5 the Consumer Product Safety Commission, and
6 other appropriate agencies carrying out programs re-
7 lated to indoor air quality;

8 (7) supporting State, local, and Tribal govern-
9 ments, local educational agencies, housing authori-
10 ties, and other entities to develop and implement in-
11 door air quality management strategies, educational
12 campaigns, assessments, guidelines, standards, and
13 response programs;

14 (8) providing information, guidance, and assist-
15 ance to the public, including building owners and oc-
16 cupants, on—

17 (A) health-related risks of exposure to in-
18 door air contaminants; and

19 (B) effective measures and programs for
20 reducing or avoiding exposure to indoor air con-
21 taminants;

22 (9) supporting development and adoption of
23 standardized methods, techniques, and protocols for
24 assessing, measuring, and sampling indoor air to de-

1 termine the presence and concentrations of indoor
2 air contaminants;

3 (10) supporting development and adoption of
4 control technologies, building design criteria, and
5 management practices to prevent the entrance of
6 contaminants into buildings and to reduce or miti-
7 gate emissions from indoor sources;

8 (11) assessing the effectiveness of methods,
9 techniques, protocols, response plans, products, and
10 technologies to reduce or avoid exposure to indoor
11 air contaminants;

12 (12) supporting the development and adoption
13 of model provisions, to be incorporated into building
14 codes for various types of buildings, designed to im-
15 prove indoor air quality while taking into account
16 comfort, safety, and energy conservation goals;

17 (13) supporting development and adoption of
18 control technologies, building design criteria, and
19 management practices to improve indoor air quality
20 and building resilience against the impacts of more
21 frequent extreme weather events and other con-
22 sequences of climate change; and

23 (14) ensuring consideration of disadvantaged
24 communities and individuals in carrying out the pro-
25 gram authorized under subsection (a), including by

1 providing access to financial assistance, technical as-
 2 sistance, and other offerings developed pursuant to
 3 this Act for all people regardless of income, race,
 4 color, national origin, Tribal affiliation, or disability.

5 **SEC. 4. GUIDELINES FOR INDOOR CONTAMINANTS OF CON-**
 6 **CERN.**

7 (a) LIST.—

8 (1) IN GENERAL.—The Administrator shall es-
 9 tablish and maintain a list of indoor contaminants of
 10 concern.

11 (2) CONTENTS.—The list under paragraph (1)
 12 may—

13 (A) include combinations or mixtures of
 14 contaminants; and

15 (B) refer to such combinations or mixtures
 16 by a common name.

17 (3) INITIAL LIST.—Not later than 5 years after
 18 the date of enactment of this Act, the Administrator
 19 shall establish the initial list under paragraph (1).

20 (b) MINIMUM CONTAMINANTS ON INITIAL LIST.—At
 21 a minimum, the initial list established under subsection
 22 (a) shall include—

23 (1) particulate matter;

24 (2) carbon monoxide;

25 (3) nitrogen dioxide;

- 1 (4) ozone;
- 2 (5) formaldehyde; and
- 3 (6) radon.

4 (c) INDOOR AIR QUALITY GUIDELINES.—

5 (1) IN GENERAL.—The Administrator shall
6 publish science-based, voluntary guidelines for each
7 indoor contaminant of concern listed under sub-
8 section (a).

9 (2) GUIDELINE COMPONENTS.—A guideline
10 published under this subsection shall—

11 (A) include information and a range of rec-
12 ommendations for operation and maintenance
13 of existing buildings, the design and construc-
14 tion of new buildings, building renovation, and
15 such other activities as are necessary to iden-
16 tify, and reduce or prevent exposure to, the in-
17 door contaminant of concern listed under sub-
18 section (a);

19 (B) be designed to achieve significant risk
20 reduction;

21 (C) be technologically achievable and read-
22 ily implementable;

23 (D) take into consideration safety, energy,
24 and other relevant factors;

1 (E) include an assessment of effectiveness
2 and cost; and

3 (F) be based on available research and ex-
4 pertise.

5 (3) CONCENTRATION LIMITS.—

6 (A) IN GENERAL.—Each guideline pub-
7 lished under this subsection shall, upon the Ad-
8 ministrator making a determination that suffi-
9 cient scientific evidence exists, include a rec-
10 ommended health-based limit on concentration
11 levels of indoor contaminants of concern.

12 (B) BEST AVAILABLE SCIENCE; LOWEST
13 LEVEL OF EXPOSURE.—A limit under subpara-
14 graph (A)—

15 (i) shall be based on the best available
16 science; and

17 (ii) may include a range that in-
18 cludes—

19 (I) a concentration level at which
20 a healthy adult should take action to
21 reduce exposure; and

22 (II) a concentration level at
23 which there is evidence of adverse
24 human health effects in susceptible
25 subpopulations, such as infants, chil-

1 dren, pregnant women, workers, and
2 the elderly.

3 (C) INSUFFICIENT EVIDENCE.—If the Ad-
4 ministrator determines insufficient evidence ex-
5 ists to set a health-based concentration limit for
6 an indoor contaminant of concern listed under
7 subsection (a), the Administrator shall publish
8 a report not later than 1 year after making
9 such determination, which shall identify—

10 (i) studies and other activities to be
11 taken to develop the evidence necessary to
12 set a health-based concentration limit; and

13 (ii) resources necessary to carry out
14 activities under clause (i).

15 (D) INTERIM GUIDELINES.—While the Ad-
16 ministrator develops sufficient scientific evi-
17 dence to set a recommended health-based con-
18 centration limit for an indoor contaminant of
19 concern under subparagraph (A), the Adminis-
20 trator shall publish interim guidelines, which
21 shall include best practices to reduce exposure
22 to such indoor contaminant of concern.

23 (d) REVIEW AND REVISION.—Not less than every five
24 years, the Administrator shall review and, as necessary,
25 revise—

1 (1) the list of indoor contaminants of concern
2 under subsection (a); and

3 (2) the guidelines published under subsection
4 (c).

5 (e) CONSULTATION.—In developing, reviewing, and
6 revising the guidelines published under subsection (c), the
7 Administrator shall consult with organizations and indi-
8 viduals having demonstrated expertise in indoor air qual-
9 ity, public health, and building systems.

10 (f) CONSISTENCY WITH INDOOR AIR REGULATIONS
11 OF OTHER FEDERAL AGENCIES.—

12 (1) LABOR.—

13 (A) CONSISTENCY WITH CERTAIN REGULA-
14 TIONS.—The Administrator shall, after con-
15 sultation with the Secretary of Labor, ensure
16 that the guidelines published under subsection
17 (c) are consistent with any Federal workplace
18 regulations addressing indoor air quality risks.

19 (B) ADDITIONAL VOLUNTARY ACTIONS.—
20 Notwithstanding subparagraph (A), the guide-
21 lines published under subsection (c) may rec-
22 ommend additional voluntary actions to protect
23 persons other than workers covered by such
24 guidelines from indoor contaminants of concern
25 listed under subsection (a).

1 (2) ENERGY.—The Administrator shall, after
2 consultation with the Secretary of Energy, ensure
3 that the guidelines published under subsection (c)
4 are consistent with applicable energy conservation
5 and efficiency statutes and regulations administered
6 by the Secretary.

7 **SEC. 5. INDOOR AIR QUALITY INDEX.**

8 (a) IN GENERAL.—The Administrator shall seek to
9 enter, not later than 1 year after the date of enactment
10 of this Act, into an agreement with the National Academy
11 of Sciences under which the Academy agrees to conduct
12 a study to assess the feasibility of developing a science-
13 based indoor air quality index aimed at informing action
14 for the protection of public health.

15 (b) REPORT.—Not later than 2 years after entering
16 into an agreement with the Administrator under sub-
17 section (a), the Academy shall submit to the Congress and
18 the Administrator a report, which shall—

19 (1) make recommendations to support the de-
20 velopment of an indoor air quality index while ensur-
21 ing that such proposed index—

22 (A) communicates to the public in clear
23 and simple terms the level of concern and de-
24 scription of indoor air quality;

1 (B) considers health risks for certain sen-
2 sitive groups of people;

3 (C) addresses the feasibility of assessing
4 indoor air quality through low-cost, real-time
5 sensors and monitoring equipment; and

6 (D) allows for updates to account for de-
7 velopments in science and harmonization with
8 indoor air quality guidelines developed under
9 section 4;

10 (2) proposes methodologies, inputs, measure-
11 ments, techniques, and equations to calculate a
12 science-based assessment of indoor air quality; and

13 (3) identifies limitations and challenges to the
14 development of an indoor air quality index.

15 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
16 authorized to be appropriated \$1,000,000, to remain avail-
17 able until expended, to carry out this section.

18 **SEC. 6. INDOOR AIR QUALITY ASSISTANCE.**

19 (a) IN GENERAL.—The Administrator may provide
20 technical assistance and financial assistance, which may
21 include grants, to State, local, and Tribal governments,
22 local educational agencies, housing authorities, nonprofit
23 organizations, and other persons to develop and implement
24 programs to assess and improve indoor air quality.

1 (b) USE OF FUNDS.—Financial assistance awarded
2 under this section shall be used to support one or more
3 of the following:

4 (1) The development and implementation of
5 educational programs, training and technical assist-
6 ance programs, assessment and monitoring pro-
7 grams, benchmarking programs, response programs,
8 and other activities designed to reduce human expo-
9 sure to indoor air contaminants.

10 (2) Mitigation of health risks from indoor air
11 contaminants due to more frequent extreme weather
12 events and other consequences of climate change.

13 (3) Adoption or adaptation by State, local, and
14 Tribal governments of indoor air quality guidelines
15 published pursuant to section 4, or development and
16 adoption of indoor air quality standards based on
17 such guidelines, including development of assessment
18 and compliance programs needed to implement such
19 standards.

20 (c) MATCHING REQUIREMENT.—The Federal share
21 of the cost of the activities for which financial assistance
22 is awarded under this section shall not exceed 75 percent
23 of the total cost of such activities.

1 **SEC. 7. HEALTHY BUILDING CERTIFICATIONS.**

2 (a) IN GENERAL.—The Administrator shall provide
3 for one or more types of voluntary certifications of build-
4 ings that are built, operated, and maintained to prevent
5 or minimize indoor air health risks in an exemplary man-
6 ner.

7 (b) REQUIREMENTS.—For a building to be certified
8 under this section, the owner or operator of the building—

9 (1) shall adhere to applicable guidelines pub-
10 lished by the Administrator pursuant to section 4;
11 and

12 (2) shall develop and maintain an indoor air
13 quality management plan in accordance with best
14 practices developed or approved by the Adminis-
15 trator.

16 (c) CONSIDERATION.—A certification process under
17 subsection (a) may recognize actions taken by the owners
18 and operators of existing buildings to improve indoor air
19 quality using the most effective source control, air filtra-
20 tion, ventilation, and other best practices, techniques, and
21 products.

22 (d) OPTION FOR THIRD-PARTY ADMINISTRATION.—
23 The Administrator may—

24 (1) carry out a certification process under sub-
25 section (a) directly; or

1 (2) recognize a certification process under sub-
2 section (a) that is developed and administered
3 through a third party.

4 **SEC. 8. HEALTHY SCHOOLS.**

5 (a) ASSESSMENT OF SCHOOLS AND COVERED
6 CHILDCARE FACILITIES.—

7 (1) IN GENERAL.—The Administrator shall con-
8 duct a national assessment of indoor air quality in
9 buildings used by local educational agencies and cov-
10 ered childcare facilities.

11 (2) ASSESSMENT CONTENTS.—The assessment
12 under this section, including updates thereto—

13 (A) shall include data and metrics, as de-
14 termined appropriate by the Administrator, to
15 track progress in, and challenges to, improving
16 the indoor air quality in buildings used by local
17 educational agencies and covered child care fa-
18 cilities;

19 (B) shall assess whether buildings used by
20 local educational agencies and covered childcare
21 facilities achieve acceptable indoor air quality
22 by meeting minimum ventilation rate require-
23 ments and other factors as set forth by widely
24 recognized best practices and standards, as de-
25 termined appropriate by the Administrator,

1 such as ANSI/ASHRAE Standard 62.1–2022,
2 Ventilation and Acceptable Indoor Air Quality;
3 and

4 (C) may be conducted through a survey, an
5 onsite representative sampling of buildings (ac-
6 counting for geography and building size, type,
7 and age), or other methods or combination of
8 methods determined appropriate by the Admin-
9 istrator to accurately assess the condition of
10 buildings used by local educational agencies and
11 covered childcare facilities throughout the coun-
12 try.

13 (3) ADVISORY GROUP.—

14 (A) ESTABLISHMENT.—The Administrator
15 shall establish an advisory group to provide
16 guidance and direction in the development of
17 the initial national assessment under this sub-
18 section.

19 (B) MEMBERS.—The advisory group under
20 subparagraph (A) shall include representatives
21 of—

22 (i) school administrators, teachers,
23 maintenance staff, and other people work-
24 ing in buildings described in paragraph

1 (1), labor organizations, childcare pro-
2 viders, and parents and caregivers; and

3 (ii) other interested parties, including
4 scientific and technical experts familiar
5 with indoor air contaminant exposures, ef-
6 fects, and controls.

7 (4) INITIAL ASSESSMENT; UPDATES.—

8 (A) INITIAL ASSESSMENT.—Not later than
9 3 years after the date of enactment of this Act,
10 the Administrator shall conduct the initial na-
11 tional assessment under paragraph (1).

12 (B) UPDATES.—Not less than five years
13 following the completion of the initial national
14 assessment under subparagraph (A), and each
15 five years thereafter, the Administrator shall
16 carry out an update of the previous national as-
17 sessment under this subsection, accounting
18 for—

19 (i) the number of schools certified
20 pursuant to subsection (c); and

21 (ii) changes in the guidelines, best
22 practices, and other support published by
23 the Administrator to improve indoor air
24 quality.

1 (5) REPORTS TO CONGRESS.—Upon completing
2 each national assessment under this subsection, the
3 Administrator shall—

4 (A) submit to the Congress a report on the
5 results of such assessment; and

6 (B) include in each such report such rec-
7 ommendations as the Administrator determines
8 to be appropriate for activities or programs to
9 reduce and avoid indoor air contaminants in
10 buildings used by local educational agencies and
11 covered childcare facilities.

12 (b) TECHNICAL ASSISTANCE AND OTHER SUP-
13 PORT.—

14 (1) IN GENERAL.—The Administrator shall de-
15 velop and promote guidance, best practices, technical
16 assistance, training, outreach, and other support to
17 improve indoor air quality in buildings used by a
18 local educational agency or a covered childcare facil-
19 ity.

20 (2) CONSIDERATIONS.—The Administrator
21 shall tailor guidance, best practices, technical assist-
22 ance, training, outreach, and other support under
23 paragraph (1) to the needs of—

24 (A) students;

25 (B) parents and caregivers;

- 1 (C) educators;
- 2 (D) childcare providers;
- 3 (E) maintenance staff and other employees
- 4 responsible for operating and maintaining build-
- 5 ings referred to in paragraph (1);
- 6 (F) Indian Tribes; and
- 7 (G) low-income and disadvantaged commu-
- 8 nities.

9 (c) HEALTHY SCHOOL CERTIFICATION.—The Ad-
 10 ministrator shall ensure that at least one type of certifi-
 11 cation carried out or recognized pursuant to section 7 is
 12 applicable to buildings used by local educational agencies
 13 and covered childcare facilities.

14 (d) INTERAGENCY COORDINATION.—The Adminis-
 15 trator shall coordinate with the Secretary of Education,
 16 the Secretary of Energy, the Secretary of Labor, and the
 17 heads of other relevant Federal agencies, to ensure that
 18 any Federal assistance made available to local educational
 19 agencies or covered childcare facilities for building con-
 20 struction, alteration, repair, and maintenance is consistent
 21 with any guidance and best practices developed by the Ad-
 22 ministrator under this Act.

23 **SEC. 9. RELATION TO OTHER LAW.**

24 (a) GENERAL AUTHORITY.—Nothing in this Act shall
 25 be construed, interpreted, or applied to preempt, displace,

1 or supplant any other State or Federal law, whether statu-
2 tory or common, or any local ordinance.

3 (b) OCCUPATIONAL SAFETY AND HEALTH.—In exer-
4 cising any authority under this Act, the Administrator
5 shall not, for purposes of section 4(b)(1) of the Occupa-
6 tional Safety and Health Act of 1970 (29 U.S.C.
7 653(b)(1)), be deemed to be exercising statutory authority
8 to prescribe or enforce standards or regulations affecting
9 occupational safety and health.

10 **SEC. 10. AUTHORIZATION OF APPROPRIATIONS.**

11 There is authorized to be appropriated \$100,000,000
12 for each of fiscal years 2025 through 2029 to carry out
13 this Act.

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