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April 18, 2023

Testimony of Rep. Karen Montell introducing

LD 1173, An Act Directing the Bureau of General Services to Ensure Adequate Air Quality in All State-owned and State-leased Buildings
Before the Joint Standing Committee on State and Local Government

Good afternoon, Senator Nangle, Representative Stover and honorable members of the State and Local Government Committee. My name is Karen Montell and I represent House District 54, which includes Gardiner and Farmingdale. I am here today to introduce **LD 1173, An Act Directing the Bureau of General Services to Ensure Adequate Air Quality in All State-owned and State-leased Buildings**.

The main goal of this bill is to address the Indoor Air Quality (IAQ) in the State House and the Cross Office Building, and for these two buildings which comprise the State House Complex to be the first and foremost priority of all State-owned and leased buildings. These buildings are occupied by staff, elected officials, lobbyists and the public, currently without proper ventilation. During the legislative session, long hours are spent in these crowded spaces without proper ventilation. This bill and amendment language direct the Bureau of General Services (BGS) to address the IAQ by inspecting all spaces, conducting testing, utilizing mitigation techniques, installing ventilation systems and continuing to monitor IAQ for indoor air pollutants. By developing and implementing action plans to remedy IAQ issues, testing would be conducted to determine baseline levels, as well as testing during times of high occupancy rates, such as during the legislative sessions, when these spaces are fully occupied and seasonally, as testing may vary. This would include but not be limited to radon, carbon monoxide (CO₂), vermin pollutants, microbial growth and any additional indoor air pollutants. dioxide

This legislation would also require proper guidelines when repurposing a space (traditional or non-traditional) for ongoing human occupation. For example, a closet space renovated to be utilized as an office space. Testing efforts would also address copy rooms that lack any proper ventilation.

This bill would also have an educational component for existing staff, new hires, newly elected officials and lobbyists, as well as a posted disclaimer for the public, who may spend many hours in these spaces waiting to testify on proposed legislation, without awareness of IAQ concerns. In addition, this bill would also offer a reporting option for documenting health concerns.

During new member orientation, it was suggested that we carry Tylenol and Ibuprofen with us because we should anticipate getting regular headaches from spending time in the House Chamber. On our first day of Session, I did in fact get a migraine. I was reminded of the dry air in the Chamber and was told the carpet was misted every day before session to prevent static electricity.

Sec. 1. 5 MRSA §1742-G passed in the 130th Legislature by my predecessor Hon. Thom Harnett. The bill was LD 1042, An Act To Protect State Workers from Exposure to Harmful Substances. This law addressed remediation of environmental hazards, such as asbestos, black mold, lead and any other substances that would be deemed harmful to human health. My bill, LD 1173, would add radon to this part of law.

In summary, this bill would add radon to the current law, passed in the 130th Legislature, and would prioritize these remediations to the State House Complex. In addition, this legislation would address Indoor Air Quality and the need for proper ventilation in these buildings and subsequent buildings. There would also be an educational and a reporting policy to help identify issues and protect human health. Report back dates would be required to ensure follow up.

Thank you for your consideration and I am happy to answer any questions you may have.

Proposed Amendment to LD 1173

Committee: SLG

Date: 4-18-23

LD 1173 – An Act Directing the Bureau of General Services to Ensure Adequate Air Quality in All State-owned and State-leased Buildings

Amend the title of the bill to read as follows:

An Act to Address Indoor Air Quality in All State-owned and State-leased and at the Capitol Complex

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

Sec. 1. 5 MRSA §1742-G is amended to read:

§1742-G. Bureau of General Services; inventory of asbestos, lead, black mold, radon and other substances that may be harmful to human health in state-owned office and state-leased buildings

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

- A. "Bureau" means the Bureau of General Services within the department.
- B. "Department" means the Department of Administrative and Financial Services.
- C. "State-owned office building" means a building owned by the State in which persons employed by a state agency regularly perform job duties.

2. Initial inventory. The bureau shall inventory all state-owned office buildings to identify the presence of asbestos, lead, black mold, radon and other substances that may be harmful to human health. The department shall require property owners of buildings leased to the State to conduct a similar inventory and provide the results of the inventory to the bureau prior to executing a new lease or renewing or extending an existing lease and, with respect to a lease that on the effective date of this subsection has a remaining term of more than 2 years, within 12 months of the effective date of this subsection. The bureau shall enter the results of the inventories into the database established and maintained by the bureau pursuant to subsection 3.

Sec. 1. 5 MRSA §1742-H is enacted to read:

§1742-H. Bureau of General Services; air quality assurance in state-owned and state-leased buildings

- A. The Department of Administrative and Financial Services, Bureau of General Services shall ensure adequate air quality in buildings owned or leased by the State, whether used by the executive, judicial or legislative branches, including but not limited to buildings in the State House complex. In order to ensure adequate air quality, the department shall test, inspect and monitor all factors that may affect air

Proposed Amendment to LD 1173

quality in each building, including by testing for radon, formaldehyde, mold, microbial growth, vermin and any other potential source of air contamination. The department shall develop and implement action plans to remedy air quality issues that are discovered and to maintain adequate air quality, including but not limited to action plans for inspecting and, as appropriate, installing, renovating or redesigning building ventilation systems. In buildings used by the legislative or judicial branch the Bureau shall work with those branches to ensure that the provisions of this section are carried out.

§1742-I. Repurposing space state buildings adoption of guidelines

The Department of Administrative and Financial Services, Bureau of General Services shall adopt guidelines for the conversion of spaces from non-human occupation to human occupation consistent with this chapter for buildings owned or leased by the State, whether used by the executive, judicial or legislative branches. When crafting guidelines including indoor air quality the Department should use as much a practicable and reasonable the air quality standards outlined in the American Society of Heating, Refrigerating and Air-Conditioning Engineers ANSI/ASHRAE Standards 62.1 and 62.2.

§1742-J. Education and Reporting of Air quality issues

All branches of state government must adopt a policy to educate employees about indoor air quality including a simple process for employees to report indoor air quality issues. That policy shall also include guidelines on notifying the public regarding air quality issues they may encounter in state buildings.

Sec. 2. Report and recommendations. By January 15, 2024, the Department of Administrative and Financial Services, Bureau of General Services shall provide to the Joint Standing Committee on Appropriations and Financial Affairs, the Chief Justice of the Supreme Judicial court and the Legislative Council a plan to carry out the requirements of Maine Revised Statutes, Title 5, section 1742-H.

No later than December 15, 2024 the Department shall provide to the Joint Standing Committee on Appropriations and Financial Affairs a report on its testing and inspection of buildings as outlined in their plan. The report shall include action plans developed or implemented under that section as well as an estimate of any costs the department identifies to complete actions necessary to ensure adequate air quality in accordance with that section. In carrying out this work the Department shall prioritize review and remediation at the Capitol Complex followed by other buildings in which the public spends conservable time.

The Joint Standing Committee on Appropriations and Financial Affairs may report out a bill to the Second Regular Session of the 131st Legislature to fund all costs identified by the department and if ongoing annual reporting regarding air quality should be carried out.