

**HOUSE . . . . . No.**

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**The Commonwealth of Massachusetts**

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PRESENTED BY:

*Marjorie C. Decker*

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*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to healthy and sustainable schools.

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PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Marjorie C. Decker</i>	<i>25th Middlesex</i>	<i>1/15/2025</i>

**HOUSE . . . . . No.**

[Pin Slip]

**The Commonwealth of Massachusetts**

**In the One Hundred and Ninety-Fourth General Court  
(2025-2026)**

An Act relative to healthy and sustainable schools.

*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. Chapter 25A of the General Laws, as appearing in the 2022 Official  
2 Edition, is hereby amended by adding the following section:-

3 Section 25A. (a) For the purposes of this section, the following words shall, unless the  
4 context clearly requires otherwise, have the following meanings:

5 “Certified TAB Technician”, a person who is certified as a testing and balancing  
6 technician by one of the following:

- 7 (1) Associated Air Balance Council (AABC);
- 8 (2) National Environmental Balancing Bureau (NEBB); or
- 9 (3) Testing Adjusting and Balancing Bureau (TABB).

10 “Energy audit”, an investment-grade study of a school that yields recommendations on  
11 energy efficiency improvements and renewable energy systems to install on or nearly school  
12 properties. Energy audits shall estimate the costs, savings, and greenhouse gas reductions from

13 implementing the recommendations and shall include a list of financing options, including  
14 federal, state, and local funding sources. Energy audits shall also include, but not be limited to,  
15 mechanical insulation evaluation and inspection of the building envelope(s).

16 “Energy efficiency improvements”, any improvement, repair, alteration, or betterment of  
17 any building or facility, subject to all applicable building codes, owned or operated by a public  
18 institution of higher education, municipally-owned institution of higher education, and public  
19 elementary and secondary school or any equipment, fixture, or furnishing to be added to or used  
20 in any such building or facility that is designed to reduce energy consumption. Energy efficiency  
21 improvements include, but are not limited to: adding square footage to existing school facilities;  
22 building envelope improvements; heating, ventilating, and cooling upgrades; lighting retrofits;  
23 installing or upgrading an energy management system; motor, pump, or fan replacements;  
24 domestic water use reductions; information technology improvements associated with an energy  
25 conservation improvement to school facilities; mechanical insulation; municipal utility  
26 improvements associated with an energy conservation improvement to school facilities; and  
27 upgrading other energy consuming equipment or appliances.

28 “Environmental justice communities”, a population with an annual median household  
29 income of not more than 65 per cent of the statewide median income or with a segment of the  
30 population that consists of not less than 25 per cent minority, foreign born, or lacking in English  
31 language proficiency based on the most recent United States census.

32 “Historically marginalized communities”, a community that has historically suffered  
33 from discrimination and has not had equal access to public or private economic benefits due to

34 the race, ethnicity, gender, geography, language preference, immigrant or citizen status, sexual  
35 orientation, gender identity, socioeconomic status, or disability status of its members.

36 “Mechanical engineer”, a professional engineer registered as a mechanical engineer by  
37 the board of professional engineers and land surveyors, pursuant to section 81E of chapter 112,  
38 and who has professional experience with heating, ventilation, and air conditioning systems.

39 “Mechanical ventilation system”, a building ventilation system provided by mechanically  
40 powered, permanent equipment, such as motor-driven fans and blowers, and includes carbon  
41 dioxide monitoring. The term does not include devices such as wind-driven turbine ventilators,  
42 portable air cleaning and filtration devices, and mechanically operated windows.

43 “Office”, the Healthy and Sustainable Schools Office.

44 “Renewable energy systems”, energy generated from any source that qualifies as a Class  
45 I or Class II renewable energy source under section 11F of chapter 25A.

46 “School Building Authorities”, the Massachusetts School Building Authority, University  
47 of Massachusetts Building Authority, and Massachusetts State College Building Authority.

48 “Skilled and trained construction workforce”, a workforce, compensated, at minimum, in  
49 conformance with section 26 through 27D, inclusive, of chapter 149, for the purposes of this act,  
50 in which at least 60% of the workers are graduates of or registered in and attending an  
51 apprenticeship program registered with a Bona Fide Apprenticeship Training Program  
52 (“BFATP”). A BFATP is one that is currently registered with and approved by the United States  
53 Department of Labor or a state apprenticeship agency and has graduated apprentices to  
54 journeyman status for at least three of the past five years.

55 “Qualified adjusting personnel”, means either of the following:

56 (1) A certified TAB technician; or

57 (2) A skilled and trained workforce under the supervision of a certified TAB  
58 technician.

59 “Qualified testing personnel”, a certified TAB technician or a person certified to perform  
60 ventilation verification assessments of heating, ventilation, and air conditioning systems through  
61 a certification body accredited under the ISO/IEC 17024 Personnel Certification standard.

62 (c) (1) In the Department of Energy Resources within the Executive Office of Energy and  
63 Environmental Affairs, there shall be a Healthy and Sustainable Schools Office. The office shall  
64 carry out its duties and responsibilities in coordination with the School Building Authorities.

65 (2) The office shall have a director appointed by the governor; two members appointed  
66 by the senate president, one of whom shall be a representative of organized labor; two members  
67 appointed by the speaker of the house, one of whom shall be a representative of organized labor.  
68 The office shall employ architects, consulting engineers, attorneys, construction, financial and  
69 other experts, superintendents, managers, and such other employees and agents as may be  
70 necessary in its judgment.

71 (3) The office shall conduct energy audits at all public institutions of higher education,  
72 municipally-owned institutions of higher education, and public elementary and secondary  
73 schools. Energy audits shall be prioritized for public institutions of higher education,  
74 municipally-owned institutions of higher education, and public elementary and secondary  
75 schools located in environmental justice communities.

76 (4) Energy audits shall include a ventilation verification assessment to be performed by  
77 qualified testing personnel and shall be conducted no less than every five years thereafter.  
78 Ventilation verification documentation shall be submitted to a mechanical engineer for the  
79 development of an assessment report. The ventilation verification assessment documentation for  
80 a heating, ventilation, and air conditioning system shall include:

81

82 (i) documentation of HVAC equipment and motor nameplate data;

83 (ii) testing for maximum system capacity and airflow to determine the highest Minimum  
84 Efficiency Reporting Value (MERV) filtration that can be installed without adversely impacting  
85 equipment;

86 (iii) physical measurements of outside air rate at minimum and maximum load  
87 conditions;

88 (iv) for each zone, documentation of the estimated number of occupants and current  
89 occupancy categories as listed in the International Mechanical Code, Table 403.1.1, as adopted  
90 by the Commonwealth of Massachusetts;

91 (v) measurement of all exhaust air volume for exhaust fans, including restrooms;

92 (vi) verification of operation of ventilation components including economizers and  
93 demand control ventilation as applicable;

94 (vii) measurement of all air distribution inlets and outlets;

95 (viii) verification and documentation of building pressure, individual classroom pressure,  
96 and any rooms designed to be negative pressure spaces;

97 (ix) verification of unit operation and that required maintenance has been performed in  
98 accordance with ASHRAE Standard 62.1-2022 Section 8 and Table 8-1.

99 (x) verification of control sequences to verify systems operate continuously during  
100 occupied hours to maintain the intended filtration, ventilation, and temperature setpoints; and

101 (xi) verification of existing carbon dioxide sensors or as an indicator of proper ventilation  
102 throughout the school year, all classrooms shall be equipped with a CO2 monitor that conforms  
103 to the recommendations of the University of California - Davis, Western Cooling and Efficiency  
104 Center white paper on Proposed Ventilation and Energy Efficiency Verification/Repair Program  
105 for School Reopening.

106 A qualified testing personnel shall document the ventilation assessment and prepare an  
107 HVAC Assessment Report for review by a mechanical engineer. A mechanical engineer shall  
108 review the HVAC assessment report, verify or adjust the minimum outside air ventilation rates  
109 and determine what, if any, additional adjustments, repairs, upgrades, or replacements would be  
110 necessary to meet the minimum ventilation and filtration requirements of the local code authority  
111 and follow the criteria of the most recent edition of the Massachusetts Mechanical Code, and  
112 provide a cost estimate for all recommended work.

113 The office shall require all school districts to make the appropriate corrective actions  
114 identified in the ventilation assessment report as reviewed by a mechanical engineer. The  
115 corrective actions shall include testing, adjusting, and balancing the public school mechanical  
116 ventilation system and, if necessary or cost effective, repairs, upgrades, or replacement of the

117 existing heating, ventilation, and air conditioning system or the installation of a stand-alone  
118 mechanical ventilation system. The corrective actions identified in the ventilation assessment  
119 report may include general maintenance, reading and adjustment of ventilation rates, filter  
120 replacement to meet a Minimum Efficiency Reporting Value (MERV) of at least 13 if equipment  
121 allows, while assuring the pressure drop is less than the fan's capability, direct outside airflow  
122 intake measurement, or whole system installation or replacement. Portable filtration and air  
123 cleaners shall be used only if the existing heating, ventilation and air conditioning infrastructure  
124 cannot meet minimum filtration and ventilation requirements or, as recommended by a  
125 mechanical engineer, as a supplemental enhancement to the permanent heating, ventilation, and  
126 air conditioning system or there are concerns with outdoor air contaminants such as those created  
127 by wildfires and pollution. All HVAC repairs, upgrades, or replacements shall be performed by a  
128 skilled and trained workforce. All HVAC adjustments shall be performed by qualified adjusting  
129 personnel.

130 School districts shall ensure that all work required by the ventilation assessment is  
131 performed using a skilled and trained construction workforce and rules promulgated in  
132 accordance with this act. The office shall work in consultation with the department of labor  
133 standards to ensure that the assessments and construction required by this act meet all standards  
134 and requirements of the Massachusetts state building code.

135 (5) The results of each energy audit shall be memorialized by the office and shall be  
136 provided to the applicable school and School Building Authorities. The office shall retain a copy  
137 of each energy audit and promptly make the results available for public inspection on its website.  
138 Any information sensitive to school safety and security shall be redacted before being made  
139 public.



140 (6) The office shall facilitate implementing recommended energy efficiency  
141 improvements and installing renewable energy systems on or nearby school property. The office  
142 is authorized and encouraged to aggregate projects to maximize efficiency, including but not  
143 limited to, negotiating bulk purchases of renewable energy and energy efficiency equipment,  
144 energy audits, and installation services. The office shall prioritize installing energy efficiency  
145 improvements and renewable energy systems at schools located in environmental justice  
146 communities.

147 (7) Third party contractors shall be prohibited from performing both energy audits and  
148 installing energy efficiency improvements and renewable energy systems at the same school.

149 (8) The office shall seek public input from stakeholders, including but not limited to,  
150 school boards, labor union representatives, and community members when implementing  
151 recommended energy efficiency improvements and installing renewable energy systems.

152 (9) The office is authorized to make and enter into all contracts and agreements necessary  
153 or incidental to the performance of its duties and the execution of its powers under this act.

154 (10) The office shall ensure that contractors and subcontractors of all tiers engaging in the  
155 construction and installation of energy efficient improvements and renewable energy systems  
156 submit sworn certifications as part of the bidding process that the firm will:

157 (i) provide documentation of its participation in a state or federally registered  
158 apprenticeship training program for each trade in which it employs craft workers;

159 (ii) ensure that each employee on the project will be paid, at minimum, wages and  
160 benefits that are not less than the prevailing wage and fringe benefits rates as prescribed in

161 sections 26 through 27D, inclusive, of chapter 149, for the corresponding classification in which  
162 the employee is employed;

163 (iii) comply with the commonwealth's public bidding laws, including section 39M of  
164 chapter 30, section 44A of chapter 149, and section 8 of chapter 149A, as applicable;

165 (iv) comply with all other applicable federal, state, and local laws;

166 (v) prioritize hiring residents from environmental justice communities and members of  
167 historically marginalized communities;

168 (vi) comply with all state and local hiring goals for women, minorities, and veterans;

169 (vii) provide documentation of its partnership(s) with high-quality pre-apprenticeship  
170 training programs; and

171 (viii) become signatory to a project labor agreement if such an agreement is selected as  
172 the project delivery method for the construction by the contracting authority.

173 A bid will not be considered complete and ready for review until all certifications have  
174 been submitted as part of its bid package. The failure to include complete and accurate  
175 certifications prior to the bid deadline shall be grounds for disqualification from the bidding  
176 process.

177 (11) The office shall ensure that contractors and subcontractors of all tiers, as part of the  
178 bid process, disclose and certify the following:

179 (i) contractors and subcontractors on the project are currently, and will remain, in  
180 compliance with chapters 149, 151, 151A, 151B, and 152 and 29 U.S.C. section 201, et seq. and  
181 federal anti-discrimination laws for the duration of the project;

182 (ii) contractors and subcontractors on the project have complied with chapters 149, 151,  
183 151A, 151B, and 152 and 29 U.S.C. section 201, et seq. and federal anti-discrimination laws for  
184 the last three (3) calendar years; and

185 (iii) when contractors or subcontractors on the project cannot meet the certification  
186 requirements provided for in paragraphs (1) and (2) of this subsection, the contractors and  
187 subcontractors must submit proof of a wage bond or other comparable form of insurance in an  
188 amount equal to the aggregate of one year's gross wages for all workers projected to be  
189 employed by the contractor or subcontractor for which certification is unavailable, to be  
190 maintained for the life of the project.

191 (d) (1) The state shall appropriate funds to a revolving fund to finance activities  
192 authorized under this act including, but not limited to, providing energy audits and installing  
193 energy efficiency improvements and renewable energy systems on or nearby school property.  
194 The office shall be responsible for administering this fund.

195 (2) The office shall apply for, receive, and accept funding from local and federal sources  
196 to carry out its duties, including but not limited to the following sources:

197 (i) funding authorized under Pub. L. 117-58, including but not limited to funding  
198 programs under the Department of Energy's State and Community Energy Program;

199 (ii) funding authorized under Pub. L. 117-69, including but not limited to the Greenhouse  
200 Gas Reduction Fund;

201 (iii) funding authorized under Pub. L. 117-2, including but not limited to funds for  
202 elementary and secondary emergency relief;

203 (iv) state bonds;

204 (v) funding from green banks; and

205 (vi) department funding.

206 SECTION 2. This act shall take effect on 1/1/2026.