SENATE DOCKET, NO. 2303 FILED ON: 1/17/2025

SENATE . . . . . No.

The Commonwealth of Massachusetts

PRESENTED BY:

Paul R. Feeney

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.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Paul R. Feeney	*Bristol and Norfolk*

SENATE DOCKET, NO. 2303 FILED ON: 1/17/2025

SENATE . . . . . No.

[Pin Slip]

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. *2127* OF 2023-2024.]

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:

SECTION 1. Chapter 25A of the General Laws, as appearing in the 2022 Official Edition, is hereby amended by adding the following section:-

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

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

(1) Associated Air Balance Council (AABC);

(2) National Environmental Balancing Bureau (NEBB); or

(3) Testing Adjusting and Balancing Bureau (TABB).

"Energy audit", an investment-grade study of a school that yields recommendations on energy efficiency improvements and renewable energy systems to install on or nearly school properties. Energy audits shall estimate the costs, savings, and greenhouse gas reductions from implementing the recommendations and shall include a list of financing options, including federal, state, and local funding sources. Energy audits shall also include, but not be limited to, mechanical insulation evaluation and inspection of the building envelope(s).

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

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

"Historically marginalized communities", a community that has historically suffered from discrimination and has not had equal access to public or private economic benefits due to the race, ethnicity, gender, geography, language preference, immigrant or citizen status, sexual orientation, gender identity, socioeconomic status, or disability status of its members.

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

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

"Office", the Healthy and Sustainable Schools Office.

"Renewable energy systems", energy generated from any source that qualifies as a Class 1 or Class II renewable energy source under section 11F of chapter 25A.

"School Building Authorities", the Massachusetts School Building Authority, University of Massachusetts Building Authority, and Massachusetts State College Building Authority.

"Skilled and trained construction workforce", a workforce, compensated, at minimum, in conformance with section 26 through 27D, inclusive, of chapter 149, for the purposes of this act, in which at least 60% of the workers are graduates of or registered in and attending an apprenticeship program registered with a Bona Fide Apprenticeship Training Program ("BFATP"). A BFATP is one that is currently registered with and approved by the United States

Department of Labor or a state apprenticeship agency and has graduated apprentices to journeyperson status for at least three of the past five years.

"Qualified adjusting personnel", means either of the following:

(1) A certified TAB technician; or

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

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

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

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

(3) The office shall conduct energy audits at all public institutions of higher education, municipally-owned institutions of higher education, and public elementary and secondary schools. Energy audits shall be prioritized for public institutions of higher education,

municipally-owned institutions of higher education, and public elementary and secondary schools located in environmental justice communities.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(iv) state bonds;

(v) funding from green banks; and

(vi) department funding.

SECTION 2. This act shall take effect on January 1, 2026.