

SENATE No.

The Commonwealth of Massachusetts

PRESENTED BY:

William J. Driscoll

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 to improve indoor air quality.

PETITION OF:

NAME:

William J. Driscoll

DISTRICT/ADDRESS:

Norfolk, Plymouth and Bristol

SENATE No.

[Pin Slip]

The Commonwealth of Massachusetts

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

An Act to improve indoor air quality.

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 111 of the General Laws is hereby amended by adding the
2 following section:

3 Section 245. (a) For the purposes of this section, the following terms shall, unless the
4 context requires otherwise, have the following meanings:

5 “Agent”, an official or employee of the department or a division of the department.

6 “ASHRAE”, the American Society of Heating, Refrigerating and Air Conditioning
7 Engineers.

8 “Building”, a publicly or privately owned structure for commercial, housing or
9 governmental purposes that exposes individuals to indoor air in permanently enclosed public
10 spaces. This term does not include spaces designated and used solely for industrial purposes,
11 private spaces used solely for residential purposes, temporary structures, spaces unintended for
12 public access beyond 3 consecutive months, any structure exempted from coverage via the

13 commonwealth’s building codes and structures owned or leased by the United States
14 government, either wholly or in part.

15 “Building occupant” or “occupant”, any individual who is regularly exposed to indoor air
16 in a building.

17 “Building owner” or “owner”, the lawful owner of the building, or a designee thereof.

18 “HVAC&R” shall mean heating, ventilation, air conditioning, and refrigeration.

19 “Indoor Air Quality” or “IAQ”, the degree to which indoor air is free of excessive levels
20 of contaminants injurious to human health.

21 “IAQ assessment” or “assessment”, an assessment of the levels of contaminants in
22 buildings determined to contribute to adverse health effects among exposed occupants.

23 “IAQ certification”, a rating of building IAQ compliance that may include differing
24 levels of adherence to specific activities or requirements in this section.

25 “IAQ complaint” or “complaint”, documentation of actual or suspected breaches or
26 violations of this section, or regulations promulgated under this section, through onsite
27 measurements or observations of building conditions or HVAC&R systems, medical symptoms,
28 or conditions of suspected or actual building-related illnesses, or other identifiable factors.

29 “IAQ event”, a specific or limited circumstance emanating from a complaint,
30 investigation, inspection or other notification that warrants responses by a building owner to
31 address or remedy poor IAQ.

32 “IAQ inspection” or “inspection”, an onsite evaluation of actual or projected building
33 IAQ performance initiated by the department, in collaboration with the board of building
34 regulations and standards.

35 “IAQ investigation” or “investigation”, an evaluation of actual or projected building IAQ
36 performance conducted in specific response to complaints or actual or suspected risks of harm to
37 individuals .

38 “Regulation”, rules or directives created by the department or a division thereof in
39 furtherance of this section.

40 “Renovation”, substantial efforts to restore or repair a building that may negatively
41 impact IAQ onsite for a period exceeding several workdays during the course of performance.

42 “Significant medical conditions”, conditions attributable to building related illnesses
43 impacting the health or safety of a cluster of no less than 5 building occupants that led affected
44 individuals to seek medical care or are confirmed through valid tests.

45 (b)(1) It shall be the policy of the commonwealth that public health be protected and
46 promoted through the regulation of indoor air quality within public buildings. In furtherance of
47 this goal, the department or a designated division thereof shall develop a comprehensive,
48 statewide plan to help assess and set priorities for improving IAQ in buildings through the
49 mitigation of contaminants of indoor air quality, identification of environmental, public health
50 and other bases for interventions, and regulatory proposals and policy options consistent with the
51 goals of this section. The department may coordinate and support further research efforts in
52 partnership with other commonwealth agencies, departments and international or national IAQ
53 stakeholders, consistent with the goals of this section and as such research relates to IAQ.

54 (2) the department, or division thereof, may develop effective and practice process,
55 protocols, methods and techniques for the detection and prevention of contamination in buildings
56 consistent with existing scientific and expert knowledge and input.

57 (3) the department shall collect and make available the results of IAQ planning, research
58 and prevention efforts supported or conducted by the department. This shall include information
59 related to known or potential short-term and long-term health effects of air contaminants; actual
60 or prospective settings or locations where exposure to harmful contaminants are likely to occur;
61 adverse health effects of varied levels of contaminants; likely sources of exposures to specific
62 contaminants, including particular types of buildings or materials; technical information
63 regarding implementing programs and other methods for reducing exposures to contaminants;
64 prevention, management or measurement technologies and their effectiveness, cost and
65 feasibility or ease of operation; recommendations for lowering health risks to building-related
66 illnesses by identifying, reducing and preventing exposures, and; remedial actions including
67 elimination, substitution, engineering or administrative controls.

68 (4) the department may collect, analyze, and maintain surveillance data or other
69 information related to human impacts associated with IAQ, including: the adverse health effects
70 of varied contaminants; risk factors and sources of building-related illnesses; communicable or
71 chronic conditions, short- and long-term injuries; preventable morbidity and mortality; disparate
72 impacts on specific populations, feasibility and appropriateness of monitoring technologies, and
73 efficacy of specific IAQ interventions to improve public health.

74 (5) In support of the development of IAQ regulations and the implementation of this
75 section, the department or division thereof may request, obtain, and use information from public
76 and private organizations including environmental surveillance or other data.

77 (c)(1) In consultation with the board of building regulations and standards, the
78 department may identify types or classes of buildings that routinely present risks of potential or
79 actual contaminant exposures to occupants based on probable or actual indoor air health risks
80 typically experienced among occupants of similar buildings, probable or actual sources of
81 building-related illnesses or exposures to contaminants, and available measures to mitigate
82 preventable health risks to occupants consistent with ongoing, intended uses of the buildings.

83 (2) Pursuant to paragraph (1), the department may designate types or classes of buildings
84 that routinely present high, medium or low risks of potential or actual exposure to contaminants
85 during periods of full or partial occupancy.

86 (3) In consultation with the board of building regulations and standards, the department is
87 authorized to examine, develop, or adopt specific techniques or standards for approved tests that
88 accurately and reliably measure the prior or current presence of contaminants and identify
89 sources of contamination. Provided, that such tests can not pose any known health risks to
90 building occupants when conducted onsite, pose disproportionate environmental harms as
91 compared to other technologies., contradict scientific consensus of appropriate, independently
92 verified technologies, or impose significant financial burdens on building owners required to use
93 them under this section. Such testing will occur at a frequency to be determined by the
94 department, and the department may authorize the use of proxy testing in lieu of more specific
95 tests.

96 (4) Building owners shall visibly post results of IAQ tests onsite to alert occupants and
97 others of prior or current IAQ levels at the frequency for testing described in this subsection.
98 Building owners shall also post the results of IAQ tests online through publicly accessible
99 websites to be developed by the department. The results of these tests shall be posted within 48
100 hours following the administration of said tests. The department shall create requirements for
101 posting IAQ results.

102 (5) Building owners may conduct an IAQ assessment consistent with base-level
103 parameters determined by the department with the following parameters: frequency as required
104 under this subsection; reviews of proper ventilation, filters, air cleaning devices and fans,
105 adjusted for the number of building occupants per ASHRAE standards; measurable risks
106 explicitly tied to contaminants building-related illnesses, or planned renovations, identification of
107 potential remediable causes of poor IAQ, including pollutant pathways, contaminant sources, and
108 more; observation of areas prone to moisture problems, visible mold, or orders associated with
109 biological growth or water stains; use of technological or other analytical tools to screen or
110 identify contaminants; physical conditions, placements, and operational status of HVAC&R
111 equipment or components, and IAQ detectors or other monitors, thermal factors such as building
112 temperatures and humidity; identification of specific products, materials, or conditions within the
113 building that may cause excessive risk of poor IAQ or building-related illnesses absent proper
114 ventilation, including pursuant to planned renovations, and; other determinants within or outside
115 that may help accurate gauge health risks to occupants based on single or repeated exposures to
116 indoor air in period of regular operations or based on planned renovations.

117 (6) IAQ assessments may include recommended actions, if warranted, including
118 estimated costs to remedy or improve IAQ within buildings in compliance with this section.

119 Building owners may refer to these actions in making repairs, engaging in renovations, or taking
120 other steps to improve IAQ. Building owners are obligated to repair or take remedial actions to
121 improve IAQ deficiencies.

122 (7) Assessments and documented proof of remedial actions to ameliorate poor IAQ may
123 be filed with the department pursuant to the formal processes it establishes.

124 (8) Building owners shall maintain information related to assessments and remedial
125 actions at least 3 years after the date of their performance.

126 (d)(1) Building occupants or other aggrieved persons may file a formal IAQ complaint of
127 an alleged IAQ event at a building to the department pursuant to the direct notification or
128 submission of a form created by the agency. Said form shall include the name, identification, and
129 contact information of the person/persons submitting the form; alleged factors that reasonably
130 suggest a risk of adverse health effects or building related illnesses due to poor IAQ among
131 building occupant; identification of specific locales within the building that may be at risk of
132 poor IAQ; prospective, estimated, or actual number of individuals impacted; specific dates over
133 which the alleged factors or poor IAQ have occurred or are occurring, any alleged or suspected
134 building-related illnesses, observed data from onsite tests conducted by the building owner,
135 independently conducted tests, assessments of occupants health symptoms, or other available data
136 supporting the complaint; input from additional sources supporting the complaint; notice to the
137 building owner of the complaint, and; any other state or local agencies that may have been
138 notified or are aware of the basis for the complaint.

139 (2) Any complaint properly filed and received by the department shall be initially
140 assessed by the department for its validity, including through outreach to the building owner,

141 building occupants and submitter(s) of the complaint. If a complaint is determined to be invalid,
142 the department shall decline to take further action after notifying the complainant. If a complaint
143 is determined to be initially valid, the department shall launch an IAQ investigation after
144 notifying the building owners and the complainant.

145 (3) The department may conduct an investigation of an IAQ event within 90 days of
146 determining the validity of the complaint. The investigation shall include screening,
147 identification, and selective interviewing of building occupants; optional medical of occupants
148 allegedly suffering from exposure to contaminants or a building related illness, provided the
149 occupant provides written informed consent to any medical testing; results of inspections
150 authorized by this section, IAQ assessments provided by the building owner, review of
151 HVAC&R planning and interviews with HVAC&R personnel responsible for the design,
152 installation, operation, or maintenance of the building systems, and; determinations of prior or
153 contemporaneous remedial actions consistent with IAQ assessments or inspection.

154 (4) Investigation results and required remedial actions shall be shared with the building
155 owners and be made available to building occupants within 30 days of the completion of the
156 investigation.

157 (5) building owners must complete any required repairs or other remedial actions within
158 120 days of the receipt of the agencies investigation results. Written extensions may be granted
159 by the department within the discretion of an agent of the department.

160 (6) Pursuant to this section, and with prior consent of and notice to building owners,
161 agents of the department may enter a building at a reasonable time to inspect, investigate,
162 evaluate and conduct needed tests for the department's own IAQ assessment of the building as

163 needed to determine business compliance with this section. If the state agent is denied entry into
164 the building on at least 2 distinct occasions for the same the same purposes, the agent may seek
165 an administrative search warrant to enter the building for this specific purpose. A court of the
166 commonwealth may grant an administrative search warrant provided probable cause of an IAQ
167 violation exists. Information obtained via this administrative search warrant shall be used only
168 for purposes of fulfilling the goals of this section. This section shall not limit the authority of any
169 state or local agency to conduct an administrative search or inspection of buildings under other
170 provisions of existing federal or state laws.

171 (7) The department shall establish a fee to cover the reasonable costs of performing an
172 inspection of the building, to be paid by building owners. Reasonable costs shall include
173 administration, personnel or travel expenses; instrument rentals; tests; laboratory assessments;
174 judicial expenditures; or other legitimate expenses incurred by the department. Any owner who
175 fails to pay the fee shall be subject to appropriate citations. The department may exempt certain
176 owners from paying the fee if their buildings are classified as low risk or the owners face
177 significant financial burdens in paying the fee.

178 (8) The results of any inspection shall be shared with the building owner, including
179 proposed remedies, within 30 days of conducting the inspection. At a minimum, inspection
180 results shall include clear descriptions of key findings related to core elements; identification of
181 any conditions that are actually contributing to poor IAQ at the building; guidance or options on
182 remedial actions the building owner may wish to take to address these conditions, and; set
183 procedural requirements for notifying building occupants of probable or actual risks to their
184 health, if applicable. Building owners have up to 90 days within the receipt of the department's

185 inspection to undertake and complete remedial actions to bring the building within compliance of
186 the section, with the department having the authority to grant extensions within its discretion.

187 (9) The department may refer to filed IAQ assessments, along with documented proof of
188 remedial actions, where made, in determining whether a specific building requires inspections. A
189 building owner who has conducted an assessment and successfully remedied and discovered
190 issues within 12 months prior to the date of an investigation may be exempted from an inspection
191 if the department determines that prior compliance sufficiently ameliorates poor IAQ.

192 (e) (1) The department shall seek voluntary compliance of building owners with meeting
193 provisions or requirements consistent with specific time deadlines or other state parameters in
194 this section or regulations promulgated to support this section.

195 (2) The department may provide certain incentives to building owners to support
196 voluntary compliance, including waivers of formal inspections; opportunities to apply for annual
197 designations of buildings meeting IAQ certification with graded levels set via regulation by the
198 department; expedited reviews of IAQ assessments for additional buildings owned or leased by
199 the same owner and; allowance of reasonable costs related to IAQ testing, assessment or
200 remedial actions to be tax deductible business expenses under state law.

201 (f)(1) Any building owner who knowingly or willfully violates or fails to comply with the
202 terms, conditions, regulations or requirements of this section may be subject to citations or
203 penalties as set forth in this section.

204 (2) The department may issue citations against offending building owners for each
205 alleged violation; provided, that said violations shall identify the conditions, factors, dates and
206 locations leading to the violation, as well as the specific provisions of this section or authorized

207 regulations substantiating the violation. Alleged violations shall be subject to specific financial
208 penalties to be set by the department, providing that said penalties do not exceed \$10,000. Funds
209 collected from said penalties shall be returned to the department's operating budget to support
210 costs incurred in the implementation and enforcement of this section.

211 (3) Following citations, the department may undertake additional recourse against
212 continuing offending building owners for the period of time in which a violation is unresolved,
213 including prohibiting existing or prospective leasing of the applicable building where building
214 occupants may be at risk of harmful exposure to contamination. The attorney general or other
215 appropriate law enforcement agency may commence a civil action in court for severe violations.

216 (4) Any action under this section or regulations promulgated in support of this section is
217 barred unless its commenced within 3 years after the cause of action accrues or was or should
218 reasonably have been discovered by the department or other state agency.

219 (g) Within 12 months of the effective date of this section, the department and divisions of
220 the department are authorized to promulgate and implement rules, orders, and regulations as are
221 reasonable and necessary to implement and effectuate the provisions and goals of this act, based
222 on the best available scientific evidence and other proofs of efficacy to identify, prevent, and
223 control factors affecting IAQ within buildings. The department may regularly amend these
224 regulations for the purposes of clarifying guidance, making essential updates, or revising
225 regulations based on new information, emerging science, or legal requirements. Nothing in this
226 section shall be construed to authorize the department or other state agency to carry out any
227 program or activity that is not reasonably related to improving IAQ .

228 (h) One year following the enactment of this section, and every 2 years thereafter, the
229 department shall file a report with the clerks of the house and senate detailing the
230 implementation and enforcement of this section, including challenges facing the department and
231 possible legislative action to address said challenges.

232 SECTION 2. Notwithstanding any general or special laws to the contrary, the department
233 shall, no later than 6 months following the enactment of this act, the department of public health
234 shall prepare and submit an initial report to the clerks of the house and the senate concerning the
235 prospective impacts, effects and challenges of this act on the department.

236 SECTION 3. Section 1 shall take effect January 1, 2026.