

# ***Energy Independence and Security Act of 2007***

## ***Subtitle E--Healthy High-Performance Schools***

### **A Preface from Healthy Schools Network**

The text of Subtitle E, below, comes from a US Senate bill the "High Performance Green Buildings Act of 2007" (S 506, Lautenberg, et al) which the Senate and House added to the Energy Act. S 506 establishes a new federal office of green buildings in the General Services Administration to coordinate the work of the federal agencies on green buildings and authorizes US EPA to do new work on healthy school environments.

Subtitle E, Healthy High Performance Schools (HHPS), directs US EPA for the first time to promote healthy school environments by working with state agencies, by creating federal guidelines for the siting of schools, and by developing model guidelines for children's environmental health in schools. Appropriations of \$10m over five years are authorized; a study is also authorized at \$1m over five years.

Design standards for school facilities are defined in No Child Left Behind (Sec. 5581, HHPS) that authorized the education department to give grants to states to promote high performance school design information and mandated the department conduct a Study of National Significance (Sec. 5414) on the impacts of decayed schools on children and report to Congress. Congress did not appropriate the \$25m needed.

But the department's mandated report (2004) laid the foundation for the new National Research Council/National Academy of Sciences expert panel study ("Green Schools", 2007, see nap.edu). The 2007 study found that 'green' buildings are 'not well defined' and found a 'robust literature' on healthy indoor environments and occupant health, learning, and productivity.

**Today's victory.** The national Coalition for Healthier Schools, coordinated by **Healthy Schools Network**, provides strong and informed grassroots and multi-stakeholder organizational support for urgent federal and state actions on school environments. These include the enactment of HHPS in No Child Left Behind (2002), the US Senate's first ever hearing on healthy/green schools (2002) and its second hearing (2007), the Education Department's mandated report (2004), White House and Congressional Briefings (2003, 2004, 2006), the White House's planning for a Summit on schools (cancelled), many joint actions and collaborative reports. All these led to today's victory.

## ***SEC. 461. HEALTHY HIGH-PERFORMANCE SCHOOLS.***

*(a) Amendment- The Toxic Substances Control Act (15 U.S.C. 2601 et seq.) is amended by adding at the end the following new title:*

### ***^TITLE V--HEALTHY HIGH-PERFORMANCE SCHOOLS***

#### ***^SEC. 501. GRANTS FOR HEALTHY SCHOOL ENVIRONMENTS.***

*^ (a) In General- The Administrator, in consultation with the Secretary of Education, may provide grants to States for use in--*

*^ (1) providing technical assistance for programs of the Environmental Protection Agency (including the Tools for Schools Program and the Healthy School Environmental Assessment Tool) to schools for use in addressing environmental issues; and*

*ˆ(2) development and implementation of State school environmental health programs that include--*

- ˆ(A) standards for school building design, construction, and renovation; and*
- ˆ(B) identification of ongoing school building environmental problems, including contaminants, hazardous substances, and pollutant emissions, in the State and recommended solutions to address those problems, including assessment of information on the exposure of children to environmental hazards in school facilities.*

*ˆ(b) Sunset- The authority of the Administrator to carry out this section shall expire 5 years after the date of enactment of this section.*

## ***ˆSEC. 502. MODEL GUIDELINES FOR SITING OF SCHOOL FACILITIES.***

*ˆNot later than 18 months after the date of enactment of this section, the Administrator, in consultation with the Secretary of Education and the Secretary of Health and Human Services, shall issue voluntary school site selection guidelines that account for--*

- ˆ(1) the special vulnerability of children to hazardous substances or pollution exposures in any case in which the potential for contamination at a potential school site exists;*
- ˆ(2) modes of transportation available to students and staff;*
- ˆ(3) the efficient use of energy; and*
- ˆ(4) the potential use of a school at the site as an emergency shelter.*

## ***ˆSEC. 503. PUBLIC OUTREACH.***

*ˆ(a) Reports- The Administrator shall publish and submit to Congress an annual report on all activities carried out under this title, until the expiration of authority described in section 501(b).*

*ˆ(b) Public Outreach- The Federal Director appointed under section 436(a) of the Energy Independence and Security Act of 2007 (in this title referred to as the 'Federal Director') shall ensure, to the maximum extent practicable, that the public clearinghouse established under section 423(1) of the Energy Independence and Security Act of 2007 receives and makes available information on the exposure of children to environmental hazards in school facilities, as provided by the Administrator.*

## ***ˆSEC. 504. ENVIRONMENTAL HEALTH PROGRAM.***

*ˆ(a) In General- Not later than 2 years after the date of enactment of this section, the Administrator, in consultation with the Secretary of Education, the Secretary of Health and Human Services, and other relevant agencies, shall issue voluntary guidelines for use by the State in developing and implementing an environmental health program for schools that--*

- ˆ(1) takes into account the status and findings of Federal initiatives established under this title or subtitle C of title IV of the Energy Independence and Security Act of 2007 and other relevant Federal law with respect to school facilities, including relevant updates on trends in the field, such as the impact of school facility environments on student and staff--*
  - ˆ(A) health, safety, and productivity; and*
  - ˆ(B) disabilities or special needs;*
- ˆ(2) takes into account studies using relevant tools identified or developed in accordance with section 492 of the Energy Independence and Security Act of 2007;*
- ˆ(3) takes into account, with respect to school facilities, each of--*

*\(A) environmental problems, contaminants, hazardous substances, and pollutant emissions, including--*

*\(i) lead from drinking water;*

*\(ii) lead from materials and products;*

*\(iii) asbestos;*

*\(iv) radon;*

*\(v) the presence of elemental mercury releases from products and containers;*

*\(vi) pollutant emissions from materials and products; and*

*\(vii) any other environmental problem, contaminant, hazardous substance, or pollutant emission that present or may present a risk to the health of occupants of the school facilities or environment;*

*\(B) natural day lighting;*

*\(C) ventilation choices and technologies;*

*\(D) heating and cooling choices and technologies;*

*\(E) moisture control and mold;*

*\(F) maintenance, cleaning, and pest control activities;*

*\(G) acoustics; and*

*\(H) other issues relating to the health, comfort, productivity, and performance of occupants of the school facilities;*

*\(4) provides technical assistance on siting, design, management, and operation of school facilities, including facilities used by students with disabilities or special needs;*

*\(5) collaborates with federally funded pediatric environmental health centers to assist in on-site school environmental investigations;*

*\(6) assists States and the public in better understanding and improving the environmental health of children; and*

*\(7) takes into account the special vulnerability of children in low-income and minority communities to exposures from contaminants, hazardous substances, and pollutant emissions.*

*\(b) Public Outreach- The Federal Director and Commercial Director shall ensure, to the maximum extent practicable, that the public clearinghouse established under section 423 of the Energy Independence and Security Act of 2007 receives and makes available--*

*\(1) information from the Administrator that is contained in the report described in section 503(a); and*

*\(2) information on the exposure of children to environmental hazards in school facilities, as provided by the Administrator.*

## ***\SEC. 505. AUTHORIZATION OF APPROPRIATIONS.***

*\There are authorized to be appropriated to carry out this title \$1,000,000 for fiscal year 2009, and \$1,500,000 for each of fiscal years 2010 through 2013, to remain available until expended.'*

*(b) Table of Contents Amendment- The table of contents for the Toxic Substances Control Act (15 U.S.C. 2601 et seq.) is amended by adding at the end the following:*

## ***\TITLE V--HEALTHY HIGH-PERFORMANCE SCHOOLS***

*\Sec. 501. Grants for healthy school environments.*

*\Sec. 502. Model guidelines for siting of school facilities.*

*\Sec. 503. Public outreach.*

*\Sec. 504. Environmental health program.*

*'Sec. 505. Authorization of appropriations.'*

***SEC. 462. STUDY ON INDOOR ENVIRONMENTAL QUALITY IN SCHOOLS.***

*(a) In General- The Administrator of the Environmental Protection Agency shall enter into an arrangement with the Secretary of Education and the Secretary of Energy to conduct a detailed study of how sustainable building features such as energy efficiency affect multiple perceived indoor environmental quality stressors on students in K-12 schools.*

*(b) Contents- The study shall--*

*(1) investigate the combined effect building stressors such as heating, cooling, humidity, lighting, and acoustics have on building occupants' health, productivity, and overall well-being;*

*(2) identify how sustainable building features, such as energy efficiency, are influencing these human outcomes singly and in concert; and*

*(3) ensure that the impacts of the indoor environmental quality are evaluated as a whole.*

*(c) Authorization of Appropriations- There are authorized to be appropriated for carrying out this section \$200,000 for each of the fiscal years 2008 through 2012.*