

## NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

### CHAPTER Env-A 2200 CLEAN AIR IN STATE BUILDINGS

#### REVISION NOTE:

Document #8332, Interim Rule effective 4-23-05, readopted with amendments and renumbered former Part He-P 1804 titled Clean Air in State Buildings as Env-A 2200. The prior filings for former He-P 1804 include the following documents:

- #4662, eff 8-18-89
- #4870, eff 7-24-90, EXPIRED: 7-24-96
- #6489, eff 4-22-97

#### PART Env-A 2201 APPLICABILITY

Env-A 2201.01 Applicability. This chapter shall apply to any person who builds, renovates, sells, leases, or donates building space that will be used as office space by a state agency other than the university system.

Source. (See Revision Note at chapter heading for Env-A 2200) #8332, INTERIM, eff 4-23-05, EXPIRES: 10-20-05; ss by #8438, eff 9-24-05

#### PART Env-A 2202 DEFINITIONS

##### Env-A 2202.01 Definitions.

(a) “Initial lease” means the lease of space within a building, executed on behalf of a state agency when no prior lease for the rental of that particular space by the agency exists.

(b) “Office space” means an area within a building occupied for 4 or more hours each workday by one or more state employees whose primary functions include supervision, administration, clerical support, retail sales, or instruction. “Office space” does not include laboratories, vehicle repair facilities, machine shops, or medical treatment areas, and does not include any other areas where the department determines that the air quality contaminants created by the activity in the area are appropriately regulated by other state or federal authorities.

(c) “Owner or operator” means the builder, seller, lessor, donor, or the donor's executor of a building, or portion of a building, which is leased, rented, sold or bequeathed to, or which will be or has been built for, the state for use as office space.

(d) “Previously certified space” means an office space that was demonstrated to be in compliance with this chapter in accordance with Env-A 2204.05 when it was leased by the state for the first time.

(e) “Renewal lease” means the agency's previous lease has expired and a new lease agreement for the same space has been agreed upon.

(f) “Short-term lease” means a lease for any building area less than or equal to one year in duration.

(g) “Small space” means any leased building area whose total net usable square footage is equal to or less than 1,000 square feet.

Source. #8438, eff 9-24-05 (formerly Env-A 2201.01)

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PART Env-A 2203 TESTING

Env-A 2203.01 Responsibility.

(a) Subject to (b), below, the owner or operator shall cause the building or portion thereof to be used as office space to be tested in order to demonstrate compliance with the clean air standards set forth under Env-A 2205.

(b) An owner or operator who is leasing office space to the state shall demonstrate compliance only with the clean air standards specified in Env-A 2205.04, Env-A 2205.05, and Env-A 2205.07 if the space is:

- (1) A previously certified space:
  - a. That will be subject to a renewal lease; and
  - b. For which documentation of previous certification is available;
- (2) A small space; or
- (3) Subject to a short-term lease.

Source. #8438, eff 9-24-05 (formerly Env-A 2201.02)

Env-A 2203.02 Sampling and Analyses - General.

(a) Samples shall be collected by a certified industrial hygienist or an individual who is under the supervision of a certified industrial hygienist.

(b) Samples to be tested for asbestos and formaldehyde shall be analyzed by laboratories accredited by the American Industrial Hygiene Association.

Source. #8438, eff 9-24-05 (formerly Env-A 2201.02)

Env-A 2203.03 Noise Testing. Noise levels shall be taken with:

- (a) All state tenant noise sources turned off, such as printers and copiers; and
- (b) Air handling systems in operation.

Source. #8438, eff 9-24-05 (formerly Env-A 2201.02)

Env-A 2203.04 Radon Testing.

(a) Radon testing shall be done on the lowest level that will be occupied as office space.

(b) If a passive radon monitoring device is used, duplicate samples shall be collected for every 2,000 square feet of office space.

(c) Radon testing devices shall be approved by the National Radon Safety Board (NRSB) or the National Environmental Health Association (NEHA) and analyzed by a laboratory accredited by the NRSB or certified by the NEHA.

(d) Radon shall be measured in accordance with the NRSB or NEHA radon measurement protocol.

Source. #8438, eff 9-24-05 (formerly Env-A 2201.02)

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Env-A 2203.05 Asbestos Testing. Office space that will be subject to a renewal lease shall be retested for asbestos except when the owner or operator can document that either:

- (a) The building or space has been previously certified as asbestos-free by the building contractor;
- or
- (b) The building or space has been inspected by an accredited asbestos inspector and determined to be asbestos-free.

Source. #8438, eff 9-24-05 (formerly Env-A 2201.02)

Env-A 2203.06 Carbon Monoxide Testing. Carbon monoxide testing shall be conducted with the heating, ventilating, and air conditioning system on.

Source. #8438, eff 9-24-05 (formerly Env-A 2201.02)

### PART Env-A 2204 CERTIFICATION OF CLEAN AIR STANDARDS

Env-A 2204.01 Certification by the Owner or Operator.

(a) The owner or operator shall certify the quality of the indoor air present in a building, or portion(s) of a building to be used as office space.

(b) Certification by the owner or operator shall be deemed complete upon written receipt by the department of the information required by Env-A 2204.02 and the certification required by Env-A 2204.03.

Source. #8438, eff 9-24-05 (formerly Env-A 2201.03)

Env-A 2204.02 Information Required. The owner or operator shall provide the following information to the department:

- (a) Name, title, and business address of the owner or operator;
- (b) Mailing and physical address(es) for the building;
- (c) City or town where the building is located;
- (d) Identification on a floorplan of the portion(s) of the building to be used as office space by the state of NH;
- (e) Names, addresses, and telephone numbers of persons conducting sampling, analysis, or both pursuant to Env-A 2203;
- (f) Documentation of the qualifications of person(s) conducting sampling or analysis necessary to demonstrate compliance with Env-A 2204.03; and
- (g) Copies of test results used to determine compliance with Env-A 2205.

Source. #8438, eff 9-24-05 (formerly Env-A 2201.03)

Env-A 2204.03 Certification Statements.

(a) The owner or operator shall provide one of the following 2 statements:

- (1) "I hereby affirm that sampling and analyses conducted pursuant to Env-A 2203 were performed in accordance with the best professional practice. I further affirm that the indoor

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air quality of this building, or of those portions of said building to be used as office space, is in compliance with Env-A 2205.”; or

(2) “I hereby affirm that sampling and analysis conducted pursuant to Env-A 2203 were performed in accordance with best professional practice. I further affirm that the indoor air quality of this building, or of those portions of said building to be used as office space, is not in compliance with Env-A 2205 for the following reason(s):”

(b) The certification statement shall be signed by the owner or operator and notarized.

Source. #8438, eff 9-24-05 (formerly Env-A 2201.03)

Env-A 2204.04 Documentation. Documentation of the qualifications required by Env-A 2204.02(f) shall include:

(a) Work performance history or resume; and

(b) Copies of relevant special licenses, accreditations, or certificates held by the persons conducting the sampling.

Source. #8438, eff 9-24-05 (formerly Env-A 2201.03)

Env-A 2204.05 Certification by the Department. If the information submitted pursuant to Env-A 2204 demonstrates compliance with all standards as required by Env-A 2203, then the department shall issue a statement of certification in accordance with RSA 10-B:2, II.

Source. #8438, eff 9-24-05 (formerly Env-A 2201.04)

PART Env-A 2205 INDOOR AIR STANDARDS

Env-A 2205.01 Ventilation. The ventilation requirement shall be a minimum of 20 cubic feet per minute (cfm) of fresh air per person occupying the space.

Source. #8438, eff 9-24-05 (formerly Env-A 2201.05)

Env-A 2205.02 Noise Levels. Noise levels shall not exceed those listed in Table 2205-1:

Table 2205-1 Noise Levels

<u>Frequency (Hz)</u>	<u>Noise Level (dBA)</u>
63	67
125	60
250	54
500	49
1000	46
2000	44
4000	43
8000	42

Source. #8438, eff 9-24-05 (formerly Env-A 2201.05)

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Env-A 2205.03 Radon. The maximum allowable concentration of radon shall be 4.0 picocuries of radon per liter of air.

Source. #8438, eff 9-24-05 (formerly Env-A 2201.05)

Env-A 2205.04 Carbon Dioxide. The maximum allowable concentration of carbon dioxide shall be:

- (1) 800 parts of carbon dioxide per million parts of air in unoccupied office spaces; or
- (2) 1000 parts of carbon dioxide per million parts of air in occupied office spaces.

Source. #8438, eff 9-24-05 (formerly Env-A 2201.05)

Env-A 2205.05 Asbestos. The maximum allowable concentration of asbestos shall be 0.1 fibers per cubic centimeter of air as determined by phase contrast optical microscopy, performed as described in "Asbestos and Other Fibers by PCM: Method 7400, Issue 2", NIOSH Manual of Analytical Methods (NMAM), Fourth Edition, 8/15/94.

Source. #8438, eff 9-24-05 (formerly Env-A 2201.05)

Env-A 2205.06 Formaldehyde. The maximum allowable concentration of formaldehyde shall be 0.1 parts of formaldehyde per million parts of air.

Source. #8438, eff 9-24-05 (formerly Env-A 2201.05)

Env-A 2205.07 Carbon Monoxide. The maximum allowable concentration of carbon monoxide shall be 5 parts of carbon monoxide per million parts of air.

Source. #8438, eff 9-24-05 (formerly Env-A 2201.05)

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Appendix

<b>Rule</b>	<b>Specific Section of State or Federal Statute or Regulation which the Rule Implements</b>
Env-A 2201	RSA 10-B:2, II
Env-A 2202	RSA 10-B:3, III(c)
Env-A 2203	RSA 10-B:2, II; RSA 10-B:3, III(b) and (c)
Env-A 2204	RSA 10-B:2, II; RSA 10-B:3, III(a) and (b)
Env-A 2205	RSA 10-B:3, II