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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1144 Session of  
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INTRODUCED BY BRIGGS, ENGLISH, V. BROWN, HELM, SAMUELSON,  
READSHAW, McCARTER AND FARRY, APRIL 12, 2017

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REFERRED TO COMMITTEE ON ENVIRONMENTAL RESOURCES AND ENERGY,  
APRIL 12, 2017

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AN ACT

1 Providing for air quality at ice arenas; and imposing powers and  
2 duties on the Department of Environmental Protection and the  
3 Department of Health.

4 The General Assembly of the Commonwealth of Pennsylvania  
5 hereby enacts as follows:

6 Section 1. Short title.

7 This act shall be known and may be cited as the Ice Arena Air  
8 Quality Act.

9 Section 2. Legislative findings and intent.

10 (a) Findings.--The General Assembly finds that:

11 (1) Carbon monoxide is a poisonous, colorless, odorless  
12 and tasteless gas.

13 (2) While it has no detectable odor, carbon monoxide is  
14 often mixed with other gases that have an odor.

15 (3) Carbon monoxide is harmful when inhaled because it  
16 displaces oxygen in the blood and deprives other vital organs  
17 of oxygen.

18 (4) Every year, many Americans die or are hospitalized

1 from carbon monoxide poisoning.

2 (b) Intent.--The General Assembly intends to provide for the  
3 regulation of air quality in ice arenas. The requirements apply  
4 to all owners and operators of ice arenas in which internal  
5 combustion engine-powered ice resurfacing machines or internal  
6 combustion heaters or other devices producing carbon monoxide  
7 emissions are used.

8 Section 3. Definitions.

9 The following words and phrases when used in this act shall  
10 have the meanings given to them in this section unless the  
11 context clearly indicates otherwise:

12 "Department." The Department of Environmental Protection of  
13 the Commonwealth.

14 "Ice arena." A building with a roof and partially or fully  
15 enclosed sides that contains an ice rink.

16 "Operator." A person designated by an owner as responsible  
17 for the daily operation of an ice arena.

18 "Owner." A person having legal title to property or  
19 buildings of an ice arena. For purposes of publicly owned  
20 property only, the term means the chief executive officer of the  
21 State or municipal agency that owns, leases or controls the use  
22 of the property.

23 "Person." An individual, corporation, partnership, firm,  
24 association, trust, estate, public or private institution,  
25 group, agency, political subdivision of the Commonwealth and any  
26 instrumentality thereof and the legal successor, representative,  
27 agent or agency of any of them.

28 "Ppm." Parts per million of carbon monoxide.

29 "Resurfacing machine." An internal combustion engine-powered  
30 machine used for modifying an ice rink surface.

1 "Secretaries." The Secretary of Environmental Protection and  
2 the Secretary of Health or their designees.

3 Section 4. Maintenance of air quality conditions.

4 An owner or operator shall maintain air quality conditions in  
5 the ice arena according to one of the following methods:

6 (1) Proper mechanical adjustment of the internal  
7 combustion engine of resurfacing machines, internal  
8 combustion heaters and other devices that produce carbon  
9 monoxide emissions.

10 (2) Proper ventilation of the ice arena.

11 (3) Other methods approved in writing by the department  
12 and the Department of Health, or their designees.

13 Section 5. Documentation of air quality conditions.

14 (a) General rule.--An owner or operator shall document  
15 measurement of indoor air quality conditions on a form approved  
16 by the department and the Department of Health.

17 (b) Mechanic information.--

18 (1) Whenever the method specified in section 4(1) is  
19 utilized as a method of control, the documentation shall  
20 include the name of the mechanic and the equipment being  
21 used.

22 (2) The owner or operator shall maintain documentation  
23 that the mechanic has received formal or on-the-job training  
24 relevant to the repair and maintenance of the specific ice  
25 resurfacing machine, internal combustion heaters and other  
26 carbon monoxide producing devices utilized at the ice arena.

27 (c) Production and posting of information.--

28 (1) All information contained on the form shall be made  
29 available, upon reasonable request, to any person with an  
30 interest in the operation of the ice arena, including, but

1 not limited to, headmasters, school superintendents, league  
2 and association officials, referees and coaches.

3 (2) The owner or operator shall:

4 (i) post copies of the form in the ice arena foyer  
5 or other location that is readily accessible to both ice  
6 arena employees and the general public; or

7 (ii) post a notice indicating where the information  
8 is available for review.

9 (d) Monthly reporting.--The owner or operator shall submit  
10 monthly copies of the data contained on the form to the  
11 Secretary of Health not later than the fifth day of the  
12 following month.

13 Section 6. Measurement of air quality conditions.

14 (a) General rule.--An owner or operator shall measure air  
15 quality conditions at least once per day. The measurement shall  
16 be made at board height and the red line and at a time of  
17 maximum frequency of use of the resurfacing machine.

18 (b) Methods.--Acceptable methods of measuring air quality  
19 conditions under this section shall be one of the following:

20 (1) use of a real-time carbon monoxide level monitor;

21 (2) use of a real-time carbon monoxide level monitor  
22 with adjustable action levels and automatic alarm; or

23 (3) any other method approved in writing by the  
24 secretaries.

25 (c) Specifications.--

26 (1) If a real-time carbon monoxide level monitor is  
27 used:

28 (i) The unit shall have a valid calibration in  
29 accordance with the manufacturer's current  
30 specifications.

1           (ii) Calibration records shall include, at a  
2 minimum, the following data: name of person performing  
3 the calibration; date of calibration; actual reading  
4 observed; concentration of calibration gas used; and any  
5 problem that could invalidate the calibration.

6           (iii) Readings shall be taken at five-minute  
7 intervals for a one-hour period. Each reading as well as  
8 the average of the 12 measurements shall be recorded on  
9 the approved form.

10          (2) If a real-time carbon monoxide level monitor with  
11 adjustable action levels and automatic alarm is used:

12           (i) The unit shall have a valid calibration in  
13 accordance with the manufacturer's current  
14 specifications.

15           (ii) Calibration records shall include, at a  
16 minimum, the following data: name of person performing  
17 the calibration; date of calibration; actual reading  
18 observed; concentration of calibration gas used; and any  
19 problem that could invalidate the calibration.

20           (iii) The unit shall be equipped with two alarm  
21 levels.

22           (iv) If the unit is not equipped with a permanent  
23 logging device, measurements shall be recorded as  
24 described in paragraph (1)(iii).

25 Section 7. Failure to maintain air quality.

26          (a) Duty to evacuate.--

27           (1) Whenever a single reading or one-hour average in the  
28 ice arena is greater than or equal to the ppm established by  
29 the department, the owner or operator shall immediately  
30 evacuate all persons from the ice rink surface and adjacent

1 areas.

2 (2) The secretaries shall be immediately notified by  
3 telephone of the action, and the ice arena may not reopen  
4 until authorized by the secretaries.

5 (b) Duty to take corrective action.--

6 (1) Whenever one-hour averages are in excess of the ppm  
7 established by the department and less than the ppm in the  
8 ice arena, immediate corrective action must be taken. The  
9 corrective action may include, but not be limited to, an  
10 immediate increase in the ventilation rate or an increase in  
11 the interval between resurfacing operations.

12 (2) Corrective action shall not be deemed adequate until  
13 subsequent measurements of air quality conditions confirm  
14 that carbon monoxide levels in the ice arena are below the  
15 ppm established by the department.

16 (c) Duty to make hourly measurements.--Whenever a condition  
17 described in subsection (b) occurs:

18 (1) If skating is allowed to continue, the owner or  
19 operator shall immediately begin measurement of air quality  
20 conditions at one-hour intervals until an hourly measurement  
21 confirms that carbon monoxide levels in the ice arena are  
22 below the ppm established by the department.

23 (2) The secretaries shall be immediately notified by  
24 telephone if two consecutive hourly measurements indicate  
25 that carbon monoxide levels have remained above the ppm  
26 established by the department and are increasing.

27 (3) When an hourly measurement confirms that carbon  
28 monoxide levels in the ice arena are below the ppm  
29 established by the department, the owner or operator shall  
30 continue measurement of air quality conditions at least two

1 times per day. These measurements shall be made at least two  
2 hours apart and continue until seven consecutive days of  
3 monitoring confirm that carbon monoxide levels in the ice  
4 arena have remained below the ppm established by the  
5 department.

6 (4) If skating is not allowed to continue, the owner or  
7 operator shall continue measurement of air quality conditions  
8 as described in paragraph (1).

9 (5) The owner or operator shall submit a written report  
10 to the secretaries within five working days explaining why  
11 the methods of air quality control failed, what immediate  
12 corrective action was taken and what action is planned to  
13 prevent a recurrence of exceeding the air quality standards.

#### 14 Section 8. Communication and notification.

15 (a) Telephone notifications.--All telephone notifications to  
16 the Secretary of Health that are required by section 7(a) shall  
17 be made Monday through Friday between 8:30 a.m. and 4:30 p.m. to  
18 the department and the Department of Health.

19 (b) Recipients of reports.--All written reports to the  
20 secretaries that are required as well as any questions  
21 concerning interpretation or implementation shall be addressed  
22 to the department and the Department of Health.

#### 23 Section 9. Inspection.

24 The secretaries or their designees, or any inspector employed  
25 by the department and the Department of Health, may inspect an  
26 ice arena at a reasonable time, without prior notice, to respond  
27 to a complaint of the existence of air quality conditions that  
28 are not in compliance with the requirements of this act or to  
29 review compliance with this act.

#### 30 Section 10. Enforcement.

1 The secretaries shall enforce this act in accordance with  
2 procedures as provided by law.

3 Section 11. Variances.

4 (a) General rule.--The secretaries may grant a variance with  
5 respect to sections 4(3) and 6(b)(3) and (c), either upon their  
6 own motion or upon request of an applicant, from the provisions  
7 of a rule or regulation in a specific case if the secretaries  
8 find that a literal enforcement of the provisions will result in  
9 unnecessary hardship to the applicant and that the variance will  
10 not be contrary to the public interest or public health and  
11 safety.

12 (b) Procedure.--

13 (1) A request for a variance must be filed by an  
14 applicant in writing and state in detail the basis upon which  
15 the request is made.

16 (2) Within 30 days of filing of each request for a  
17 variance with the secretaries, the secretaries shall notify  
18 the applicant by certified mail of their approval or, in the  
19 case of a denial, a hearing date, time and place scheduled,  
20 if the applicant appeals the denial, in accordance with the  
21 provisions of law.

22 Section 12. Rules governing practices and procedures.

23 (a) General rule.--All hearings and reviews required shall  
24 be held in accordance with the provisions of the rules and  
25 regulations promulgated by the department and the Department of  
26 Health.

27 (b) Severability.--If any provision of this act or the  
28 application thereof to an individual, institution, agency or  
29 circumstance shall be held invalid, the invalidity shall not  
30 affect the provisions of this act which can be given effect.

1 Section 13. Effective date.

2 This act shall take effect in 90 days.