

116TH CONGRESS
2D SESSION

S. 3364

To improve the health and academic achievement of students in highly polluted environments, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 27, 2020

Mr. BOOKER introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To improve the health and academic achievement of students in highly polluted environments, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Clean Air Sharp Minds
5 Act”.

6 **SEC. 2. PURPOSES.**

7 The purposes of this Act are—

8 (1) to improve the health and academic achieve-
9 ment of students in highly polluted environments;

1 (2) to demonstrate the impacts of clean air at
2 school on student learning and well-being; and

3 (3) to support the Nation's schools to advance
4 environmental justice.

5 **SEC. 3. FINDINGS.**

6 Congress finds the following:

7 (1) Substantial research demonstrates that air
8 pollution negatively impacts health and cognition.

9 (2) More than 1 in 5 public schools in the
10 United States are located within a mile of a toxic re-
11 lease site. Nearly 1 in 11 public schools, serving
12 4,400,000 students, are less than 500 feet from a
13 major road.

14 (3) According to a 2017 report, 4 percent of
15 schools serving predominantly White students are
16 next to major roads, while 15 percent of schools
17 serving largely students of color are next to major
18 roads.

19 (4) Indoor levels of air pollutants can be 2 to
20 5 times higher, and sometimes 100 times higher,
21 than outdoor levels. In 2014, nearly half of schools
22 in the United States reported having problems re-
23 lated to indoor air quality.

1 (5) Schools in poor repair may have additional
2 air quality problems, including lead, asbestos, dust,
3 and radon contamination.

4 (6) Poor indoor air quality increases the risk of
5 severe asthma attacks and allergic reactions. Asthma
6 is the leading cause of missed school days in the
7 United States.

8 (7) High-performance air filters can decrease
9 indoor particulate matter by 90 percent.

10 (8) Research demonstrates the potential for
11 school air filters to improve student learning. In
12 2016, commercial air filters were installed in every
13 classroom, office, and common area of 18 public
14 schools in Los Angeles. Controlling for student de-
15 mographics, mathematics test scores at these schools
16 improved dramatically, nearly matching the impact
17 of reducing class sizes by a third, and gains per-
18 sisted the following the year.

19 **SEC. 4. DEFINITIONS.**

20 In this Act:

21 (1) ADMINISTRATOR.—The term “Adminis-
22 trator” means the Administrator of the Environ-
23 mental Protection Agency.

1 (2) COMMERCIAL AIR FILTER.—The term
2 “commercial air filter” means an air filter unit
3 that—

4 (A) removes particulate matter (including
5 mold, smoke, dust, lead, soot, and allergens
6 from pests) and gaseous pollutants (including
7 carbon monoxide, sulfur dioxide, and volatile or-
8 ganic compounds);

9 (B) does not produce any ozone;

10 (C) meets the American Society of Heat-
11 ing, Refrigerating, and Air-Conditioning Engi-
12 neers (ASHRAE) Minimum Efficiency Report-
13 ing Value (MERV) of 13 (or the equivalent,
14 using a different rating system); and

15 (D) contains activated carbon (charcoal)
16 and a HEPA particle filter.

17 (3) ELIGIBLE SCHOOL.—The term “eligible
18 school” means a public elementary school or sec-
19 ondary school, as such terms are defined in section
20 8101 of the Elementary and Secondary Education
21 Act of 1965 (20 U.S.C. 7801).

22 (4) ENVIRONMENTAL JUSTICE.—The term “en-
23 vironmental justice” means the fair treatment and
24 meaningful involvement of all individuals, regardless
25 of race, color, national origin, educational level, or

1 income, with respect to the development, implemen-
2 tation, and enforcement of environmental laws, regu-
3 lations, and policies to ensure that—

4 (A) populations of color, communities of
5 color, indigenous communities, and low-income
6 communities have access to public information
7 and opportunities for meaningful public partici-
8 pation relating to human health and environ-
9 mental planning, regulations, and enforcement;

10 (B) no population of color or community of
11 color, indigenous community, or low-income
12 community shall be exposed to a dispropor-
13 tionate burden of the negative human health
14 and environmental impacts of pollution or other
15 environmental hazards; and

16 (C) the “17 Principles of Environmental
17 Justice”, written and adopted at the First Na-
18 tional People of Color Environmental Leader-
19 ship Summit held on October 24 through 27,
20 1991, in Washington, DC, are upheld.

21 (5) SECRETARY.—The term “Secretary” means
22 the Secretary of Education.

23 **SEC. 5. DEMONSTRATION PROGRAM AUTHORIZED.**

24 (a) IN GENERAL.—Not later than 6 months after the
25 date of enactment of this Act, the Secretary and the Ad-

1 administrator shall enter into a memorandum of under-
2 standing to jointly administer the School Air Filters Dem-
3 onstration Program described in this section for a 3-year
4 period.

5 (b) SELECTION OF ELIGIBLE SCHOOLS.—

6 (1) SELECTION OF ELIGIBLE SCHOOLS.—Not
7 later than 12 months after the date of enactment of
8 this Act, the Secretary and the Administrator shall
9 select a minimum of 175 eligible schools to partici-
10 pate in the School Air Filters Demonstration Pro-
11 gram.

12 (2) PRIORITY.—In selecting eligible schools
13 under this subsection, the Secretary and the Admin-
14 istrator shall do so with the purpose of advancing
15 environmental justice, giving priority—

16 (A) first, to eligible schools that are lo-
17 cated in a nonattainment area for PM_{2.5},
18 PM₁₀, or ozone;

19 (B) second, to eligible schools that have
20 school facilities that pose a severe health and
21 safety threat to students and staff; and

22 (C) third, to eligible schools that have a
23 high concentration of students from a low-in-
24 come family.

1 (3) CONSIDERATIONS IN SELECTION.—In se-
2 lecting eligible schools under this subsection, the
3 Secretary and the Administrator—

4 (A) shall seek to select eligible schools that
5 represent—

6 (i) a mix of elementary schools, mid-
7 dle schools, and high schools; and

8 (ii) a mix of urban, suburban, and
9 rural schools; and

10 (B) may consider any other eligibility re-
11 quirements that the Secretary and the Adminis-
12 trator determine are necessary to carry out the
13 purposes of this Act.

14 (c) AGREEMENT TO PARTICIPATE.—The Secretary
15 and the Administrator shall seek to enter into a written
16 agreement with each eligible school selected under sub-
17 section (b) to ensure that the eligible school desires to par-
18 ticipate in the School Air Filters Demonstration Program.
19 The Secretary and the Administrator shall carry out the
20 activities under subsection (d) only with respect to partici-
21 pating eligible schools that enter into such an agreement.

22 (d) USE OF FUNDS.—

23 (1) IN GENERAL.—The Secretary and the Ad-
24 ministrator shall—

1 (A) purchase commercial air filters for the
2 buildings of each participating eligible school;

3 (B) install a commercial air filter in every
4 classroom, office, and common area that stu-
5 dents access in each such school;

6 (C) maintain those air filters for a period
7 of 3 years, including by ensuring the replace-
8 ment of the internal carbon filters of those air
9 filters according to a frequency as indicated by
10 the manufacturer;

11 (D) provide technical support to eligible
12 schools participating in the program, including
13 training school staff on how to properly use the
14 air filters; and

15 (E) using not more than 3.5 percent of the
16 funds appropriated under subsection (f), collect,
17 analyze, and submit data that is necessary for
18 the report and evaluation described in sub-
19 section (e).

20 (2) USE OF CONTRACTOR.—

21 (A) IN GENERAL.—Subject to subpara-
22 graph (B), the activities described in subpara-
23 graphs (B) and (C) of paragraph (1) may be
24 carried out by an entity that—

1 (i) has a contract to do so with the
2 Administrator; and

3 (ii) has a State or local license or cer-
4 tification from a relevant professional or-
5 ganization allowing the entity to install
6 and maintain air filter units.

7 (B) COLLECTIVE BARGAINING AGREE-
8 MENT.—Notwithstanding subparagraph (A), if
9 a school or local educational agency’s collective
10 bargaining agreement stipulates that a school
11 staff member carry out the activities described
12 in subparagraphs (B) or (C) of paragraph (1),
13 the Administrator shall coordinate with the
14 local educational agency to arrange for school
15 staff to carry out those activities. Nothing in
16 this Act shall be construed to interfere with a
17 collective bargaining agreement.

18 (e) REPORTS AND EVALUATION.—

19 (1) ANNUAL REPORTS.—The Secretary and the
20 Administrator shall prepare and submit to Congress
21 an annual report containing—

22 (A) metrics that demonstrate the indoor
23 air quality (at a minimum, PM2.5 levels, as
24 well as any other air pollutants that the Admin-
25 istrator determines necessary to test) at 3 loca-

1 tions within each participating eligible school
2 before installation of the commercial air filters,
3 and subsequently twice per academic year, en-
4 suring that the locations of that testing are
5 kept consistent for each test);

6 (B) the pollutants that are captured by the
7 air filters at participating eligible schools, as
8 determined by annual tests conducted on the
9 used air filters;

10 (C) metrics that demonstrate the academic
11 outcomes of students at each participating eligi-
12 ble school (including standardized test scores);

13 (D) rates of suspension at each partici-
14 pating eligible school; and

15 (E) rates of school absence by students at
16 each participating eligible school, including
17 rates of school absence relating to asthma and
18 other health measures.

19 (2) EVALUATION.—At the end of the 3-year
20 School Air Filters Demonstration Program, the Sec-
21 retary and the Administrator shall prepare and sub-
22 mit a report to Congress that includes an evaluation
23 of the effectiveness of the School Air Filters Dem-
24 onstration Program, including an analysis of the im-
25 pact of the commercial air filters on student aca-

1 demic achievement and well-being, and on the pro-
2 gram's potential to advance environmental justice.

3 The evaluation shall include recommendations based
4 on the findings from the School Air Filters Dem-
5 onstration Program.

6 (f) AUTHORIZATION OF APPROPRIATIONS.—There
7 are authorized to be appropriated to carry out this Act
8 \$20,000,000 for fiscal year 2021.

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