

ASSEMBLY, No. 618

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Assemblyman RALPH R. CAPUTO

District 28 (Essex)

SYNOPSIS

Establishes air quality standards and requires certificate from Commissioner of Health for operation of indoor ice arenas, indoor motorsports arenas, and special indoor motorsports events.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 **AN ACT** concerning air quality at indoor ice arenas, indoor
2 motorsports arenas, and special indoor motorsports events, and
3 supplementing Title 26 of the Revised Statutes.

4
5 **BE IT ENACTED** *by the Senate and General Assembly of the State*
6 *of New Jersey:*

7
8 1. As used in this act:

9 “Acceptable air quality conditions” means the concentrations of
10 carbon monoxide and nitrogen dioxide set forth in section 3 of this
11 act.

12 “Air quality measuring device” means direct-read pump and
13 colorimetric tube or electronic real-time gas detection equipment
14 for sampling and measuring carbon monoxide and nitrogen dioxide
15 air concentrations.

16 “Arena building” means a structure with a roof and walls that
17 houses an indoor ice arena or indoor motorsports arena, or is
18 hosting a special indoor motorsports event, as appropriate.

19 “Certificate” means a certificate of acceptable air quality issued
20 by the commissioner pursuant to section 2 of this act.

21 “Commissioner” means the Commissioner of Health, or the
22 commissioner's designee.

23 “Department” means the Department of Health.

24 “Edging” means operation of an ice edger.

25 “Event manager” means a person who organizes or directs a
26 special indoor motorsports event.

27 “Ice edger” means power equipment used to modify the
28 perimeter of an ice sheet.

29 “Ice maintenance machine” means an ice resurfacer or ice edger.

30 “Ice resurfacer” means power equipment used to modify the
31 entire surface of the ice.

32 “Indoor ice arena” means a single room of a permanent or
33 temporary structure where an ice sheet is maintained, which has a
34 roof, and is bounded by walls, doorways, or windows, whether open
35 or closed, and the walls, doorways, or windows cover more than 50
36 percent of the combined surface area of the vertical planes that
37 make up the perimeter of the room.

38 “Indoor motorsports arena” means a single room of a permanent
39 or temporary structure where motorsports are operated, which has a
40 roof, and is bounded by walls, doorways, or windows, whether open
41 or closed, and the walls, doorways, or windows cover more than 50
42 percent of the combined surface area of the vertical planes that
43 make up the perimeter of the room.

44 “Motorsports vehicle” means an internal combustion engine-
45 powered vehicle used for recreation, racing, competition, or
46 demonstration.

47 “Operating hours” means the time period that an arena building

1 is open to the public and motorsports vehicles are being used in the
2 arena.

3 “Operator” means the person designated by the owner as
4 responsible to operate and maintain an indoor ice arena, indoor
5 motorsports arena, or arena building that is hosting a special indoor
6 motorsports event, as appropriate.

7 “Owner” means the person having legal title to an arena
8 building, or the owner's legally authorized representative. For the
9 purposes of publicly-owned property, “owner” means the chief
10 executive officer of the State, county or municipal agency or entity
11 that owns, leases, or controls the use of the property.

12 “Ppm” means parts per million.

13 “Responsible person” means an individual who completes the
14 acknowledgement required pursuant to subsection b. of section 5 of
15 this act, and may include an owner or operator who completes the
16 acknowledgement required pursuant to subsection b. of section 5 of
17 this act.

18 “Resurfacing” means operation of an ice resurfacer.

19 “Special indoor motorsports event” means a single event where
20 motorsports vehicles are operated in a venue other than an indoor
21 motorsports arena.

22 “Spectator” means a member of the public present in an arena
23 building who is not a motorsports vehicle driver or rider or an
24 actively working employee.

25 “Spectator area” means that part of an arena building where
26 spectators are allowed to assemble.

27

28 2. a. (1) No person shall operate an indoor ice arena or indoor
29 motorsports arena, unless the commissioner issues the person a
30 certificate of acceptable air quality pursuant to this section. The
31 certificate shall be prominently displayed in the indoor ice arena or
32 indoor motorsports arena, as appropriate, in a location that is clearly
33 visible to the public.

34 (2) No person shall hold a special indoor motorsports event,
35 unless the commissioner issues the person a certificate of
36 acceptable air quality pursuant to this section. The certificate shall
37 be prominently displayed in a location that is clearly visible to the
38 public in the arena building in which the special indoor motorsports
39 event is being held.

40 b. An application for a certificate shall be submitted on forms
41 prescribed by the commissioner. An application shall be submitted:

42 (1) annually, by the owner or operator of an existing indoor ice
43 arena or indoor motorsports arena;

44 (2) at least 30 days before an owner or operator opens a new
45 indoor ice arena or indoor motorsports arena to the public; and

46 (3) at least 30 days before an owner or operator of an arena
47 building and an event manager begin a special indoor motorsports
48 event.

1 c. The commissioner shall issue a certificate pursuant to this
2 section if:

3 (1) the owner or operator is in compliance with the provisions of
4 this act, and has demonstrated the ability to maintain the acceptable
5 air quality conditions required pursuant to section 3 of this act; and

6 (2) in the case of a certificate for a special indoor motorsports
7 event, the owner or operator of the arena building in which the
8 special indoor motorsports event is being held submits a written
9 plan to the commissioner that describes the methods that the owner
10 or operator will use to monitor air quality, ensure acceptable air
11 quality conditions as required pursuant to subsection c. of section 3
12 of this act during the special indoor motorsports event, and comply
13 with the applicable provisions of section 8, and sections 10 through
14 13 of this act, and the event manager and the owner or operator
15 have agreed, in writing, to the terms of the plan.

16 d. To qualify for a certificate under this section, the department
17 may require an owner or operator to perform preliminary tests of air
18 quality that the commissioner determines to be necessary in order to
19 characterize the exposure of occupants of an arena building to
20 carbon monoxide and nitrogen dioxide.

21 e. A certificate issued pursuant to this section shall expire one
22 year from the date of issue, except that a certificate issued for a
23 special indoors motorsports event shall expire as provided in the
24 certificate.

25 f. An owner or operator of an indoor ice arena or indoor
26 motorsports arena, as appropriate, shall annually apply for renewal
27 on forms prescribed by the commissioner at least 30 days before a
28 certificate expires. If a certificate expires while a renewal
29 application is pending approval by the commissioner, the owner or
30 operator may continue to operate the indoor ice arena or indoor
31 motorsports arena, as appropriate, under the expired certificate until
32 the commissioner issues a new certificate or denies the renewal
33 application.

34 g. The commissioner may suspend, modify, or revoke a
35 certificate for cause, or for a violation of the provisions of this act
36 or any rules or regulations adopted pursuant thereto.

37 h. The department may assess a reasonable fee, up to \$250, for
38 the issuance of a certificate pursuant to this section.
39

40 3. a. The owner or operator of an indoor ice arena shall
41 maintain acceptable air quality conditions at all times in areas of the
42 arena building that are open to the public, as follows:

43 (1) one-hour average air concentrations of not more than 20
44 parts of carbon monoxide per one million parts of air by volume (20
45 ppm); and

46 (2) one-hour average air concentrations of not more than 0.3
47 parts of nitrogen dioxide per one million parts of air by volume (0.3
48 ppm).

1 b. The owner or operator of an indoor motorsports arena shall
2 maintain acceptable air quality conditions at all times in areas of the
3 arena building that are open to the public, as follows:

4 (1) one-hour average air concentrations of not more than 30
5 parts of carbon monoxide per one million parts of air by volume (30
6 ppm); and

7 (2) one-hour average air concentrations of not more than 0.3
8 parts of nitrogen dioxide per one million parts of air by volume (0.3
9 ppm).

10 c. The owner or operator of an arena building in which a
11 special indoor motorsports event is being held shall maintain
12 acceptable air quality conditions at all times in areas of the arena
13 building that are open to the public in accordance with the
14 conditions set forth in paragraphs (1) and (2) of subsection b. of this
15 section.

16 d. All air quality measurements required by this act shall be:

17 (1) taken by a responsible person, except as may otherwise be
18 provided in the case of a special indoor motorsports event pursuant
19 to the plan approved by the commissioner pursuant to paragraph (2)
20 of subsection c. of section 2 of this act; and

21 (2) recorded and maintained as part of the record-keeping log
22 required pursuant to section 13 of this act.

23

24 4. a. The owner or operator shall demonstrate that the device
25 and methods used to measure air quality conditions are accurate and
26 reliable. Air quality measuring devices shall be:

27 (1) capable of measuring carbon monoxide air concentrations in
28 a range from 0 to 100 parts per million (ppm) in increments of 1
29 ppm; or

30 (2) capable of measuring nitrogen dioxide air concentrations in
31 a range from 0 to 5 parts per million (ppm) in increments of 0.1
32 ppm.

33 b. The owner or operator shall operate, store, maintain, and
34 calibrate the devices according to the device manufacturer's
35 specifications. The owner or operator shall also keep maintenance
36 and calibration records as part of the record-keeping log required
37 pursuant to section 13 of this act.

38

39 5. a. The owner or operator shall designate a responsible
40 person, and at least one responsible person shall be available in the
41 arena building at all times when the indoor ice arena or indoor
42 motorsports arena, as appropriate, is open to the public.

43 b. A responsible person shall acknowledge and certify, by their
44 written signature, that they:

45 (1) have been given a copy of this act, and any applicable rules
46 and regulations adopted pursuant to section 16 of this act;

47 (2) understand how to properly operate and store the air quality
48 measuring device for the arena building;

- 1 (3) understand and are able to implement methods of
2 maintaining acceptable air quality conditions as required pursuant
3 to this act;
- 4 (4) are capable of properly collecting the air samples required
5 pursuant to this act;
- 6 (5) understand and are able to implement appropriate actions for
7 correcting unacceptable air quality conditions, including the
8 requirements for corrective action and evacuation as set forth in this
9 act; and
- 10 (6) understand, and agree to comply with, the record-keeping
11 requirements set forth in this act.
- 12 c. The written and signed acknowledgement and certification
13 pursuant to subsection b. of this section shall be retained as part of
14 the record-keeping log required pursuant to section 13 of this act.
15
- 16 6. a. Measurements of carbon monoxide and nitrogen dioxide
17 air concentrations shall be taken whenever internal combustion
18 engine-powered ice maintenance machines are used in an indoor ice
19 arena.
- 20 b. Air quality measurements shall be taken with an air quality
21 measuring device at least twice per week after the use of an internal
22 combustion engine-powered ice resurfacer. Measurements shall be
23 taken at board height, inside the boards, and at the centerline of the
24 ice:
- 25 (1) twenty minutes after completing resurfacing unless the
26 commissioner has granted the operator approval to measure under
27 an alternative schedule;
- 28 (2) at times of maximum use of the ice resurfacer; and
- 29 (3) at least once on Saturday or Sunday of each week that the
30 indoor ice arena is open to the public.
- 31 c. Air quality measurements shall be taken with an air quality
32 measuring device at least once per week after the use of an internal
33 combustion engine-powered ice edger. Measurements shall be
34 taken following a time of maximum use of the ice edger at board
35 height, inside the boards, and at the centerline of the ice:
- 36 (1) twenty minutes after completing edging if the arena building
37 is open to the public when edging occurs; or
- 38 (2) before the public reoccupies the indoor ice arena, if the
39 arena is not open to the public when edging occurs.
- 40 d. (1) The owner or operator of an indoor ice arena shall take
41 any additional measurements as required by the commissioner.
- 42 (2) Air quality measurements may be taken using an alternative
43 schedule if the commissioner has approved the alternative schedule
44 as part of the certificate issued pursuant to section 2 of this act.
- 45 e. All air quality measurements taken at an indoor ice arena
46 shall be documented in the record-keeping log required pursuant to
47 section 13 of this act, and made available to the commissioner upon
48 request.

1 7. a. The owner or operator shall notify the commissioner
2 when using equipment other than an ice maintenance machine for
3 operating or maintaining the indoor ice arena, if that equipment is
4 capable of producing carbon monoxide or nitrogen dioxide and is
5 not directly vented to the outdoors. The owner or operator shall
6 notify the commissioner by:

7 (1) providing the department with a list of such equipment that
8 the owner or operator proposes to use in its annual certificate
9 application submitted pursuant to section 2 of this act; or

10 (2) if the equipment was not included in the annual certificate
11 application submitted pursuant to section 2 of this act, notifying the
12 commissioner by telephone or in writing prior to using other fuel-
13 burning equipment in the indoor ice arena.

14 b. The owner or operator shall ensure acceptable air quality in
15 the arena building when using other fuel-burning equipment by
16 measuring the air quality conditions and reporting those conditions
17 as the commissioner directs, depending upon the specific type of
18 activity to be conducted in the arena building. Any measurements
19 taken pursuant to this subsection shall be recorded and retained as
20 part of the record-keeping log required pursuant to section 13 of
21 this act.

22
23 8. a. Measurements of carbon monoxide and nitrogen dioxide
24 air concentrations shall be taken in an indoor motorsports arena, or
25 an arena building hosting a special indoor motorsports event, as
26 required pursuant to this section and as may be directed by the
27 commissioner.

28 b. (1) For an indoor motorsports arena, measurements of
29 carbon monoxide air concentrations shall be taken as follows:

30 (a) at least two days per week; and

31 (b) at least three hours per week during maximum use of
32 motorsports vehicles.

33 (2) For a special indoor motorsports event, measurements of
34 carbon monoxide air concentrations shall be taken as follows:

35 (a) on each day of motorsports vehicle use; and

36 (b) during all operating hours; and

37 (3) Air quality measurements shall be recorded at least every 15
38 minutes when motorsports vehicles are used in the arena building
39 and shall be:

40 (a) taken at a location on the track that represents average
41 carbon monoxide concentrations, as shall be identified by the owner
42 or operator; and

43 (b) if spectators are present during motorsports activities, taken
44 at the location of poorest air quality in the spectator area of the
45 arena building. The owner or operator shall identify the location
46 where spectators are exposed to the highest carbon monoxide levels.

1 c. The owner or operator shall measure nitrogen dioxide air
2 concentrations as the commissioner directs depending on the
3 specific type of activity to be conducted in the arena building.

4 d. All air quality measurements taken pursuant to this section
5 shall be documented in the record-keeping log required pursuant to
6 section 13 of this act, and made available to the commissioner upon
7 request.

8

9 9. a. The owner or operator of an indoor ice arena shall take
10 immediate corrective action when measurements of more than 20
11 ppm of carbon monoxide or more than 0.3 ppm of nitrogen dioxide
12 are made in an area of the arena building that is open to the public.
13 Corrective action shall include increasing the ventilation rate
14 immediately and suspending internal combustion-powered
15 equipment use. Corrective action may also include warming up ice
16 maintenance machines outside of the indoor ice arena, having the
17 ice maintenance machines and any other internal combustion-
18 powered equipment serviced by a qualified professional, and any
19 other action which has the effect of reducing the measured carbon
20 monoxide air concentrations or measured nitrogen dioxide air
21 concentrations.

22 b. The owner or operator shall continue corrective action until
23 measurements show not more than 20 ppm of carbon monoxide and
24 not more than 0.3 ppm of nitrogen dioxide in all areas of the arena
25 building that are open to the public.

26 c. The owner or operator shall conduct and document the
27 following air quality measurements to confirm the effectiveness of
28 the corrective action:

29 (1) at 20-minute intervals until measurements show not more
30 than 20 ppm of carbon monoxide and not more than 0.3 ppm of
31 nitrogen dioxide;

32 (2) 20 minutes after the next five uses of ice maintenance
33 machines; and

34 (3) at least once per day for the subsequent three days of arena
35 operation.

36 d. The owner or operator shall evacuate an area of the arena
37 building whenever:

38 (1) measured carbon monoxide air concentrations exceed 83
39 ppm or measured nitrogen dioxide air concentrations exceed 2.0
40 ppm for more than five minutes;

41 (2) measured carbon monoxide air concentrations exceed 40
42 ppm or measured nitrogen dioxide air concentrations exceed 0.6
43 ppm for more than one hour after originally measuring unacceptable
44 air quality conditions; or

45 (3) measured carbon monoxide air concentrations exceed 20
46 ppm or measured nitrogen dioxide air concentrations exceed 0.3
47 ppm for more than two hours after originally measuring
48 unacceptable air quality conditions.

1 10. a. The owner or operator of an indoor motorsports arena, or
2 arena building hosting a special indoor motorsports event, as
3 appropriate, shall take immediate corrective action when
4 measurements of more than 30 ppm of carbon monoxide or more
5 than 0.3 ppm of nitrogen dioxide are made for more than 15
6 minutes in an area of the arena building that is open to the public.
7 Corrective action shall include increasing the ventilation rate
8 immediately and suspending internal combustion-powered
9 equipment use, if carbon monoxide measurements remain in excess
10 of 30 ppm or nitrogen dioxide measurements remain in excess of
11 0.3 ppm for more than one hour after originally measuring
12 unacceptable air quality conditions. Corrective action may also
13 include having the internal combustion-powered equipment
14 serviced by a qualified professional, and any other action which has
15 the effect of reducing the measured carbon monoxide air
16 concentrations or measured nitrogen dioxide air concentrations.

17 b. The owner or operator shall continue corrective action until
18 measurements show not more than 30 ppm of carbon monoxide and
19 not more than 0.3 ppm of nitrogen dioxide in all areas of the arena
20 building that are open to the public.

21 c. The owner or operator shall conduct and document the
22 following air quality measurements to confirm the effectiveness of
23 the corrective action:

24 (1) at 15-minute intervals until measurements show not more
25 than 30 ppm of carbon monoxide and not more than 0.3 ppm of
26 nitrogen dioxide; and

27 (2) at 15-minute intervals for at least one hour per day for the
28 subsequent three days of arena operation.

29 d. The owner or operator shall evacuate an area of the arena
30 building whenever:

31 (1) measured carbon monoxide air concentrations exceed 83
32 ppm or measured nitrogen dioxide concentrations exceed 2.0 ppm
33 for more than 15 minutes; or

34 (2) measured carbon monoxide air concentrations exceed 30
35 ppm or measured nitrogen dioxide air concentrations exceed 0.3
36 ppm for more than two hours after originally measuring
37 unacceptable air quality conditions.
38

39 11. Whenever corrective action is required pursuant to
40 subsection a. of section 9 of this act in the case of an indoor ice
41 arena or pursuant to subsection a. of section 10 of this act in the
42 case of an indoor motorsports arena or a special indoor motorsports
43 event, the owner or operator shall submit a written report to the
44 commissioner within five business days that includes:

45 a. an explanation of why corrective action was necessary;

46 b. a description of the immediate corrective actions that were
47 taken;

1 c. a record of all air quality measurements taken pursuant to
2 section 9 or 10, as appropriate, of this act; and

3 d. an action plan to prevent a recurrence of the situation that
4 required corrective action.

5

6 12. a. Whenever evacuation is required pursuant to subsection
7 d. of section 9 of this act or subsection d. of section 10 of this act,
8 the owner or operator shall:

9 (1) contact the local fire department as soon as possible to
10 request assistance in evacuating the arena and assessing the hazard;
11 and

12 (2) contact the State Department of Health and local health
13 agency upon completing the evacuation.

14 b. An arena building evacuated pursuant to this act may only be
15 reoccupied by the public after an evacuation if:

16 (1) acceptable air quality conditions are measured;

17 (2) corrective action has been taken to prevent further incidence
18 of unacceptable air quality conditions; and

19 (3) acceptable air quality conditions and corrective actions are
20 verified by the State Department of Health, the local fire
21 department, or local health agency. In response to a request from
22 an owner or operator for verification pursuant to this paragraph, the
23 local fire department or local health agency shall respond as soon as
24 may be practicable, and the department shall respond within three
25 business days after receiving such a request.

26

27 13. a. The owner or operator of an arena building shall keep a
28 record-keeping log to maintain all documentation required pursuant
29 to this act, including but not limited to training records, air quality
30 measurement records, air quality measuring device records, and
31 corrective action and evacuation reports.

32 b. The record-keeping log shall be kept in the arena building
33 and be available, upon request, for review by the commissioner and
34 the public during all hours that the arena building is open to the
35 public.

36 c. The record-keeping log shall be retained for at least three
37 years.

38

39 14. The department may grant a variance from the requirements
40 of this act, or any rules or regulations adopted pursuant thereto, if
41 determined to be appropriate or necessary, provided that:

42 a. for any variance granted, the department determines that the
43 granting of the variance would not result in a reduction in the public
44 health or safety; and

45 b. in no case shall the department grant a variance from the
46 acceptable air quality conditions set forth in section 3 of this act.

1 A person who knowingly, willingly, or purposefully violates any
2 of the bill's provisions would be liable to a fine of \$1,000 to \$2,500
3 per day of violation. A person who falsifies information would be
4 liable to a fine of \$1,500 to \$3,000 for each instance of falsification.

5 This bill is intended to protect public health by ensuring
6 acceptable air quality in the operation and maintenance of indoor
7 ice arenas and indoor motorsports arenas, and at special indoor
8 motorsports events held at venues other than indoor motorsports
9 arenas. This bill is modeled on rules adopted by the Minnesota
10 Department of Health governing air quality conditions in indoor ice
11 arenas and indoor motorsports arenas.