

July 26, 2021

Dear Colleagues,

Our records reflect that CDE approved your application to use ESSER federal stimulus funds to replace, repair, or upgrade HVAC systems using supplemental disinfecting systems, such as hydrogen peroxide or bi-polar ionization systems. Since approving uses of federal stimulus funds in this manner, CDE has learned that such systems are relatively untested in school environments and not necessary to meet current CDC and ASHRAE COVID-19 guidance, which focus on optimizing current HVAC systems, increase air exchanges, and filtration. Further, these systems do not have a specific product classification with the Environmental Protection Agency. When these systems are used at a level that would be effective to kill viruses, they could also cause lung irritation, leaving occupants more susceptible to upper respiratory infections, such as COVID. CDE is not requiring repayment of funds used to pay for these systems to this date. However, moving forward, until further testing is conducted, ESSER federal stimulus funds cannot be used for such systems.

Although we are not requiring districts that have used funds in this manner to repay or use stimulus funds for other activities, CDE strongly urges districts that have installed these systems to seek advice from experts in this area (e.g., local contractors, engineers, CDPHE) to ensure the safety of students and staff in schools where such systems have been installed and are being used. It is advisable to collect stakeholder feedback on the use of these systems as well to ensure that staff, families, and students feel safe in the environment impacted by these systems. Also, it is critical that the district review [CDE's safe reopening guidance](#).

Please be advised that CDE's review and approval of applications for the use of funds are contingent upon the costs being allowable, reasonable, and necessary to respond to the impact the COVID-19 pandemic has had on the district. It is the responsibility of grantees to ensure that projects funded with federal funds meet federal regulatory requirements, including federal procurement standards, such as 2 CFR 200.318(h), in selecting vendors or brands:

(h) The [non-Federal entity](#) must award [contracts](#) only to responsible [contractors](#) possessing the ability to perform successfully under the terms and conditions of a proposed procurement. Consideration will be given to such matters as [contractor](#) integrity, compliance with public [policy](#), record of past performance, and financial and technical resources. See also [§ 200.214](#). Furthermore, the U.S Department of Education provides further guidance and clarification based on EPA recommendations.

EPA states that ozone generators should not be used in occupied spaces. If choosing to use a device that incorporates bipolar ionization technology, EPA recommends using a device that



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meets UL 2998 standard certification (Environmental Claim Validation Procedure (ECVP) for Zero Ozone Emissions from Air Cleaners) and notes that there are many air cleaning devices that do not use bipolar ionization. In addition, the CDC provides information on improving ventilation in schools at: <https://www.cdc.gov/coronavirus/2019-ncov/community/schools-childcare/ventilation.html> and in buildings at: <https://www.cdc.gov/coronavirus/2019-ncov/community/ventilation.html>.

Should you have any questions or require additional information, please contact either [Andy Stine](#), Director of the Capital Construction Unit with questions regarding construction, or [Nazie Mohajeri-Nelson](#), Director of the ESEA Office, regarding questions pertaining to allowable use of ESSER funds.

Sincerely,

Capital Construction and Federal Programs Units

