HOUSE DOCKET, NO. 239 FILED ON: 1/13/2011

HOUSE . . . . . No. 624

The Commonwealth of Massachusetts

PRESENTED BY:

Frank I. Smizik

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying:

An Act to require environmentally safe alternatives to harmful cleaning products..

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Frank I. Smizik	*15th Norfolk*
Marc R. Pacheco	☐ *[District]* ☐
Christine E. Canavan	*10th Plymouth*
Byron Rushing	*9th Suffolk*
Brian M. Ashe	*2nd Hampden*
Cleon H. Turner	*1st Barnstable*
Carl M. Sciortino, Jr.	*34th Middlesex*
Jason M. Lewis	*31st Middlesex*
Carlos Henriquez	*5th Suffolk*
Sean Garballey	*23rd Middlesex*
James B. Eldridge	☐ *[District]* ☐
Cory Atkins	*14th Middlesex*
Sal N. DiDomenico	*Middlesex, Suffolk, and Essex*
Sarah K. Peake	*4th Barnstable*

Cynthia S. Creem	☐ *[District]* ☐
Lori A. Ehrlich	*8th Essex*
William N. Brownsberger	☐ *[District]* ☐
Peter V. Kocot	*1st Hampshire*
Geraldo Alicea	*6th Worcester*
Alice K. Wolf	*25th Middlesex*
Angelo J. Puppolo, Jr.	*12th Hampden*
Patricia D. Jehlen	☐ *[District]* ☐
Steven A. Tolman	☐ *[District]* ☐
Cheryl A. Coakley-Rivera	*10th Hampden*
Ruth B. Balser	*12th Middlesex*
Paul J. Donato	*35th Middlesex*
Tom Sannicandro	*7th Middlesex*
Susan C. Fargo	☐ *[District]* ☐
Antonio F. D. Cabral	*13th Bristol*
Louis L. Kafka	*8th Norfolk*
Ellen Story	*3rd Hampshire*
John J. Mahoney	*13th Worcester*
Timothy J. Toomey, Jr.	*26th Middlesex*
Jonathan Hecht	*29th Middlesex*
Alice Hanlon Peisch	*14th Norfolk*

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By Mr. Smizik of Brookline, a petition (accompanied by bill, House, No. 624) of Frank I. Smizik and others for legislation to require environmentally safe alternatives to harmful cleaning products. Public Health.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE
HOUSE
, NO. *4481* OF 2009-2010.]

The Commonwealth of Massachusetts

An Act to require environmentally safe alternatives to harmful cleaning products..

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Chapter 111 of the General Laws is hereby amended following section 5R by inserting the following section:

Section 5S.

(a) Title. This section shall be referred to as "The Safer Cleaning Products Act"

(b) Purpose. The purpose of this section is to reduce asthma and other health threats from emissions of toxic chemicals from cleaning products used in schools, day care centers, public buildings, and common areas of public housing.

(c) Definitions. For the purposes of this section the following words shall have the following meanings:

"Cleaning product", a product intended for use for routine cleaning, including but not limited to general purpose cleaners, bathroom cleaners, glass cleaners, carpet cleaners, floor care products, and hand soaps.

"Commissioner", the commissioner of the department of public health.

14 “Day care center”, any public or private facility operated on a regular basis whether
15 known as a day nursery, nursery school, kindergarten, child play school, progressive school,
16 child development center or preschool, or known under any other name, which receives children
17 not of common parentage who are not more than six years of age, or who are not more than 21
18 years of age if such children have special needs, for nonresidential custody and care during part
19 or all of the day separate from their parents. Day care center shall not include: any part of a
20 public school system; any part of a private, organized educational system, unless the services of
21 such system are primarily limited to kindergarten, nursery or related preschool services; periodic
22 religious instruction classes conducted by a religious institution; a facility operated by a religious
23 organization where children are cared for during short periods of time while persons responsible
24 for such children are attending religious services; a family day care home; an informal
25 cooperative arrangement among neighbors or relatives; or the occasional care of children with or
26 without compensation.

27 “Environmentally preferable purchasing criteria,” means standards for evaluating
28 products such as those defined by the state Operational Services Division; such standards include
29 but are not limited to products which are not toxic to humans, and that do not contain any
30 ingredients which are carcinogens or which are known to cause reproductive toxicity, is not
31 corrosive to the skin or eyes, is not a sensitizer, is not combustible, does not contribute to the
32 production of photochemical smog, tropospheric ozone depletion, or poor indoor air quality, is
33 not toxic to aquatic life, does not contain more than 0.5% by weight of total phosphorus, and
34 which does exhibit biodegradability.

35 “Safer cleaning product”, a cleaning product which is listed on the Safer Cleaning
36 Product List established by the Department of Public Health pursuant to this section.

37 “Public building” means any building owned, occupied, or used by any public entity
38 including but not limited to the commonwealth and any county, city, town, or school district.

39 “Public housing”, any federal, state or municipally subsidized housing or housing project.

40 “School”, any educational institution including but not limited to any public or private
41 elementary, middle, high school, junior college, college, university, school of medicine, or law
42 school.

43 (d) Product Restrictions. No cleaning product may be used in any school, day care center,
44 public building, or common area of public housing in Massachusetts unless said cleaning product
45 is contained on the list of safer cleaning products established by the commissioner pursuant to
46 this section.

47 (e) Safer Cleaning Products List. No later than January 1 each even numbered year the
48 commissioner shall prepare and release to the public the safer cleaning products list. Said list
49 shall include only those cleaning products that:

50 (1)are determined to be an environmentally preferable product by the Massachusetts
51 Operational Services Division pursuant to the environmentally preferable purchasing criteria;
52 and

53 (2)do not contain ingredients that the commissioner has determined as asthma-causing
54 agents (asthmagens) unless a safer alternative is not available; the commissioner may consult
55 available sources such as the criteria for designating substances as occupational asthmagens and
56 the list of asthmagens prepared by the Association of Occupational and Environmental Clinics in
57 making such determinations;

58 (3)The commissioner shall annually review the safer cleaning products list and make
59 changes as necessary to ensure that the safest available cleaning products are on the list.

60 (f) Training. The division of occupational safety, in consultation with the commissioner,
61 shall establish a program to require the training of all cleaning personnel in the use and disposal
62 of the products on the safer cleaning products list in the field, at day care centers, schools, public
63 buildings, and public housing with the cooperation of the cleaning personnel who actually use
64 and dispose of the products in the course of their employment. Furthermore, the division of
65 occupational safety will develop training guidelines and develop a plan for implementation that
66 ensures training for all custodial staff.

67 (g) Accommodation of Chemically Sensitive Individuals. Nothing in this section shall
68 preclude an individual from requesting a facility to use or for a facility from using a cleaning
69 product not on the safer cleaning products list as an accommodation to a person who is
70 chemically sensitive.

71 (h) Reasonable Fee. The commissioner shall require manufacturers of cleaning products
72 to pay a reasonable fee to cover the costs for the department to collect and review the requested
73 information, to develop and maintain the safer cleaning products list, and to support training
74 programs established by the division of occupational safety according to subsection (f).

75 (i) Penalties. Any facility manager or owner who uses a cleaning product in violation of
76 this act shall be punished by a fine of not less than five hundred dollars nor more than one
77 thousand dollars. Any person who sells, or distributes a cleaning product in violation of this act
78 shall be punished by a fine of not less than one thousand dollars and not more than twenty-five
79 thousand dollars for each twenty-four hour period during which such violation occurs. The
80 department of public health may seize any cleaning product held for sale or distribution in
81 violation of this section. The seized cleaning product shall be forfeited.

82 SECTION 2. Section 1 shall take effect one year from the date of enactment.