SENATE DOCKET, NO. 17 FILED ON: 1/7/2011

SENATE . . . . . No. 1125

The Commonwealth of Massachusetts

PRESENTED BY:

Michael O. Moore

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 relative to healthy schools.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Michael O. Moore	☐ *[District]* ☐
James B. Eldridge	☐ *[District]* ☐
Carolyn C. Dykema	*8th Middlesex*
Sal N. DiDomenico	*Middlesex, Suffolk, and Essex*

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SENATE . . . . . No. 1125

By Mr. Moore, a petition (accompanied by bill, Senate, No. 1125) of Michael O. Moore, James B. Eldridge, Carolyn C. Dykema and Sal N. DiDomenico for legislation relative to healthy schools. Public Health.

The Commonwealth of Massachusetts

An Act relative to healthy schools.

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 Healthy Cleaning Products Act" (b) The purpose of this section is to reduce asthma and other health threats from emissions of toxic chemicals from cleaning products used in schools, hospitals and other health care facilities, day care centers, public buildings, and 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 of schools, hospitals and other health care facilities, day care centers, and public housing, including general purpose cleaners, bathroom cleaners, glass cleaners, carpet cleaners, disinfectants, 12 floor care products, and hand soaps.

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

"Day care center", any public or private facility operated on a regular basis whether known as a day nursery, nursery school, kindergarten, child play school, progressive school, child development center or preschool, or known under any other name, which receives children not of common parentage who are not more than six years of age, or who are not more than 21 years of age if such children have special needs, for nonresidential custody and care during part or all of the day separate from their parents. Day care center shall not include: any part of a public school system, any part of a private, organized educational system, unless the services of such system are primarily limited to kindergarten, nursery or related preschool services, periodic religious instruction classes conducted by a religious institution, a facility operated by a religious organization where children are cared for during short periods of time while persons responsible for such children are attending religious services, a family day care home, an informal

24 cooperative arrangement among neighbors or relatives, or the occasional care of children with or
25 without compensation.

26 "Environmentally preferable purchasing criteria," means products which are not toxic to
27 humans, and that do not contain any ingredients which are carcinogens or which are known to
28 cause reproductive toxicity, is not corrosive to the skin or eyes, is not a sensitizer, is not
29 combustible, does not contribute to the production of photochemical smog, tropospheric ozone,
30 or poor indoor air quality, is not toxic to aquatic life, does not contain more than 0.5% by weight
31 of total phosphorus, and which does exhibit biodegradability.

32 "Health care facility", a health care facility as defined in section 34 nine C of chapter one
33 hundred and twelve.

34 "Healthy cleaning product", a cleaning product which is listed on the Healthy Cleaning
35 Product List established by the Department pursuant to this section.

36 "Hospital", any hospital licensed under section fifty one of chapter one hundred and
37 eleven, the teaching hospital of the University of Massachusetts Medical School and any
38 psychiatric facility licensed under section nineteen of chapter nineteen.

39 "Public building" means any building owned, occupied, or used by any public entity
40 including but not limited to the commonwealth and any county, city, town, or school district.

41 "Public housing", any federal, state or municipally subsidized housing or housing project.

42 "School", any educational institution including but not limited to any public or private
43 elementary, middle, high school, junior college, college, university, school of medicine, or law
44 school.

45 (d) Product Restrictions. No cleaning product may be used in any school,
46 hospital, health care facility, day care center, public building, or public housing in Massachusetts
47 unless said cleaning product is contained on the list of healthy cleaning products established by
48 the commissioner pursuant to this section.

49 (e) Healthy Cleaning Products List

50 No later than January 1 each year the commissioner shall prepare and release
51 to the public the healthy cleaning products list. Said list shall include only those cleaning
52 products that: are determined to be an environmentally preferable product by the Massachusetts
53 Operational Services Division pursuant to the environmentally preferable purchasing criteria,
54 and do not contain ingredients that the commissioner has 57 determined as asthmacausing agents
55 (asthmagens), provided however that the commissioner shall establish, in consultation with
56 representatives of hospital administration and staff, a separate list of the safest alternative

57 disinfectants which are applicable only for use in areas of hospitals which require the application
58 of special disinfectants for medical reasons.

59 The commissioner shall annually review the healthy cleaning products list and
60 make changes as necessary to ensure that the safest cleaning products are on the list.

61 (f) Training and Field Testing.

62 The commissioner shall establish a program to require the training of all
63 cleaning personnel in the use and disposal of the products on the healthy cleaning products list in
64 the field, at day care centers, schools, hospitals, health care facilities, public buildings, and public
65 housing with the cooperation of the cleaning personnel who actually use and dispose the
66 products in the course of their employment. For purposes of developing the training program and
67 confirming the safety and effectiveness of products utilized under this program, the
68 Commissioner shall also convene teams of janitorial staff for schools, day care, hospitals, public
69 housing, and all other state buildings, supported by technical experts, property management,
70 representatives of relevant trade unions and other building occupants. Such teams will field test
71 healthy cleaning products and proposed training guidelines and assist the Commissioner in
72 confirming the safety and effectiveness of cleaning products authorized under paragraph (e).

73 Based on the results of these teams, the Commissioner will develop training
74 guidelines for each

75 of the four settings and develop a plan for implementation that ensures training for all
76 janitorial staff.

77 (g) Grant Program

78 The commissioner shall establish a grant program to train cleaning personnel
79 in the use of healthy cleaning products and to compensate the participating cleaning personnel
80 for their participation in the testing program.

81 (h) Notification Requirement

82 Manufacturers of cleaning products distributed, sold or offered for sale in the
83 commonwealth shall furnish to the commissioner for public record such information regarding
84 such products as the commissioner may require, in such form as prescribed by the commissioner.
85 For each cleaning product, such information shall include but shall not be limited to: (1) a list
86 naming each ingredient which equals or exceeds five percent of the contents of the product by
87 weight which includes specifying the content by weight of each ingredient to the nearest percent;
88 (2) a list naming each ingredient which does not equal or exceed five percent of the contents of
89 the product by weight' provided, however, that ingredients which are present in trace quantities
90 need not be included on such list unless the commissioner specifically requires the listing of one
91 or more of such ingredients by weight to the nearest percent' and (3) the nature and extent of

92 investigations and research performed by or for the manufacturer concerning the effects on
93 human health and the environment of such product or such ingredients. Ingredients shall be listed
94 using the generic chemical name that conforms with generally accepted rules of chemical
95 nomenclature.

96 Such manufacturers shall furnish such information at such times 100 as may be
97 required by the commissioner. Such information shall be available to the public at the offices of
98 the commissioner with the exception of portions which the manufacturer determines, subject to
99 the approval of the commissioner, would be, if disclosed, seriously prejudicial to the
100 manufacturer's legitimate interest in trade secrets and economics of operation.

101 Accommodation of Chemically Sensitive Individuals

102 An individual who attends or works in a building regulated by this section who
103 experiences adverse health effects from allergic or hypersensitivity reaction from exposure to the
104 cleaning products in use pursuant to this section may request, and the facility may utilize, other
105 suitable materials as determined by the individual and provided by the facility. The request shall
106 be placed in writing and a copy shall be sent to the Commissioner.

107 (j) Reasonable Fee

108 The commissioner shall require manufacturers of cleaning products to pay a
109 reasonable fee to cover the costs for the department to collect and review the requested
110 information, to develop and maintain the healthy cleaning products list, and to conduct the field
111 testing program.

112 (k) Penalties

113 Any facility manager or owner who uses a cleaning product in violation of this
114 act shall be punished by a fine of not less than five hundred dollars nor more than one thousand
115 dollars. Any person who sells, or distributes a cleaning product in violation of this act shall be
116 punished by a fine of not less than one thousand dollars and not more than twenty five thousand
117 dollars for each twenty four hour period during which such violation occurs. The department of
118 public health may seize any cleaning product held for sale or distribution in violation of this
119 section. The seized cleansing agents shall be forfeited.

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