

HOUSE No. 4153

The Commonwealth of Massachusetts

In the Year Two Thousand Twelve

An Act relative to improving asthma in schools.

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

1 Chapter 111 of the General Laws, as appearing in the 2008 Official Edition, is hereby
2 amended by inserting after section 5S the following section:-

3 Section 5T. (a) As used in this section, the following words shall, unless the context
4 clearly indicates otherwise, have the following meanings:-

5 "Cleaning product", a product intended for use for routine cleaning, including but not
6 limited to general purpose and all purpose cleaners, glass, carpet, and bathroom cleaners,
7 appliance cleaners, and floor and carpet care products (cleaner, finisher, polisher, and stripper);
8 but shall not apply to disinfectants or sanitizers regulated by the United States Environmental
9 Protection Agency under the Federal Insecticide, Fungicide and Rodenticide Act 7 U.S.C.
10 section 136 et seq. or as required by other federal or state regulations or antimicrobial hand soaps
11 regulated by the Food and Drug Administration.

12 "Department", department of public health.

13 “Environmentally preferable products and services”, cleaning products or services that
14 perform effectively and have a lesser or reduced effect on human health and the environment
15 when compared to competing products or services that serve the same purpose.

16 “Environmentally preferable purchasing criteria”, standards for evaluating products that
17 have been established by reputable third-party certifying organizations as specified by the
18 operational services division in the commonwealth’s statewide contract for environmentally
19 preferable cleaning products, programs, equipment, and supplies. The department shall rely on
20 multiple third-party certifying organizations, including, at a minimum, the United States
21 Environmental Protection Agency’s Design for the Environment (DfE) program, EcoLogo, and
22 GreenSeal.

23 “Public school”, an elementary, secondary, high, charter or innovation school operated
24 by a public school district or board of trustees pursuant to chapter 71.

25 (b) (1) The department shall recommend a public school with a pediatric asthma
26 prevalence of 20 per cent or higher, or the highest quartile of pediatric asthma prevalence, to
27 develop an indoor air quality management plan that describes the measures to be taken to
28 provide good and improved indoor air quality to reduce the levels of indoor air pollutants
29 through preventive measures to promote a comfortable and healthy learning and working
30 environment; plan objectives may include, but are not limited to: (i) routine maintenance
31 activities; (ii) periodic building evaluations and inspections; (iii) maintenance of adequate air
32 exchanges by repairing and maintaining ventilation equipment; and (iv) effectively
33 communicating corrective steps to all interested parties.

34 (2) A public school under this subsection shall be recommended to create an
35 environmental health committee that shall consist of the school superintendent or designee,
36 school superintendent assistant or designee, the facilities or custodial director or designee, the
37 indoor integrated pest management coordinator or designee, a school nurse, a teacher, and a
38 parent; provided that the committee may consist of other health professionals, local government
39 agencies, community organizations, asthma coalitions, and others as appropriate in the
40 assessment of current conditions and operations and in the development of strategies to improve
41 indoor asthma triggers in schools and to protect the health of students, faculty, and staff. The
42 committee shall be trained with expertise to assess current school building conditions and
43 operations. The committee shall develop an indoor air quality management plan to improve
44 indoor asthma triggers in schools and to protect the health of students, faculty, and staff. The
45 committee shall sponsor activities to engage the school and community to raise awareness of the
46 importance of asthma and environmental triggers. The committee may secure financial
47 assistance through grants or other revenue sources to address environmental concerns. The
48 department shall develop a school indoor air quality training program to educate the committee
49 members on how to identify problems, develop methods to improve indoor air quality, and
50 implement an indoor air quality management plan.

51 (c) (1) Beginning September 1, 2012, cleaning products shall not be used in any public
52 school unless the cleaning product meets environmentally preferable purchasing criteria. A
53 public school may purchase environmentally preferable products and services through statewide
54 contract vendors or through outside vendors; provided that such vendor meets environmentally
55 preferable purchasing criteria.

56 (2) A public school under this subsection shall report environmentally preferable cleaning
57 products and services purchased to the department, including but not limited to vendor,
58 manufacturer name, and product name.

59 (3) An individual who attends or works in a public school who experiences adverse
60 health effects from allergic or hypersensitivity reaction from exposure to the environmentally
61 preferable products and services in use pursuant to this section may request, and the facility may
62 utilize, other suitable materials as determined by the individual and provided by the facility. The
63 request shall be placed in writing and a copy shall be sent to the commissioner.

64 (4) The department shall recommend a public school with a pediatric asthma prevalence
65 of 20 per cent or higher, or the highest quartile of pediatric asthma prevalence, to purchase
66 environmentally preferable cleaning products and services that are approved by the
67 Environmental Protections Agency.

68 (d) The superintendent or designee, facilities/custodial director or designee, indoor
69 integrated pest management coordinator or designee, and janitorial staff shall be trained in the
70 use of environmentally preferable products and services prior to implementation of this section
71 in a public school. Vendors of environmentally preferable products and services that are not
72 contracted with the state but are purchased by a public school shall have trained staff and
73 necessary tools for such training.