

HOUSE No. 2069

The Commonwealth of Massachusetts

PRESENTED BY:

Jeffrey Sánchez

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 adoption of the accompanying bill:

An Act relative to improving asthma in schools.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Jeffrey Sánchez</i>	<i>15th Suffolk</i>	<i>1/18/2013</i>
<i>Cory Atkins</i>	<i>14th Middlesex</i>	<i>1/31/2013</i>
<i>Cheryl A. Coakley-Rivera</i>	<i>10th Hampden</i>	<i>1/30/2013</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>1/30/2013</i>
<i>Jonathan Hecht</i>	<i>29th Middlesex</i>	<i>1/31/2013</i>
<i>Jay R. Kaufman</i>	<i>15th Middlesex</i>	<i>1/29/2013</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>	<i>1/29/2013</i>
<i>Frank I. Smizik</i>	<i>15th Norfolk</i>	<i>1/30/2013</i>
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>	
<i>Carlos Henriquez</i>	<i>5th Suffolk</i>	

HOUSE No. 2069

By Mr. Sánchez of Boston, a petition (accompanied by bill, House, No. 2069) of Jeffrey Sánchez and others for legislation to reduce asthma and other health threats from certain cleaning products used in schools. Public Health.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 1524 OF 2011-2012.]

The Commonwealth of Massachusetts

In the Year Two Thousand Thirteen

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 2010 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

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

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

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

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

52

53 (c) (1) Beginning September 1, 2014, cleaning products shall not be used in any public
54 school unless the cleaning product meets environmentally preferable purchasing criteria. A
55 public school may purchase environmentally preferable products and services through statewide
56 contract vendors or through outside vendors; provided that such vendor meets environmentally
57 preferable purchasing criteria.

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

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

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

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