SENATE DOCKET, NO. 230 FILED ON: 1/15/2013

SENATE . . . . . No. 1016

The Commonwealth of Massachusetts

PRESENTED BY:

Jennifer L. Flanagan

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 concerning environmentally preferable cleaning supplies..

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Jennifer L. Flanagan	*Worcester and Middlesex*
Jennifer E. Benson	*37th Middlesex*
Kay Khan	*11th Middlesex*
Sal N. DiDomenico	*Middlesex and Suffolk*
Dennis A. Rosa	*4th Worcester*

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By Ms. Flanagan, a petition (accompanied by bill, Senate, No. 1016) of Jennifer L. Flanagan, Jennifer E. Benson, Kay Khan, Sal N. DiDomenico and other members of the General Court for legislation relative to environmentally preferable cleaning supplies. Public Health.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. *1100* OF 2011-2012.]

The Commonwealth of Massachusetts

In the Year Two Thousand Thirteen

An Act concerning environmentally preferable cleaning supplies..

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. Short title. This Act may be cited as the Green Cleaning Act.

Section 2. Legislative intent. Cleaning products are essential to ensuring sanitary conditions in our public places and the protection of public health. Cleaning products serve a vital role as part of the first line of defense in combating infection and disease. The effective use of cleaning products is a scientifically proven method of protecting against the spread of a variety of diseases, rodent infestations and many known asthma triggers such as mold, mildew, dust mites, pollen and other biological contaminants. Recognizing increased public demand for attention to human health and the environment, the legislature finds it beneficial to make consideration of the environmental preferability of cleaning products an integral part of the procurement process. Significant progress has been made in formulating cleaning products that perform well and are more environmentally preferable in terms of their sustainability (e.g. environmental benefits, social benefits (human factors), and economic benefits). It is essential that environmentally preferable cleaning products also perform well. All parties benefit from a market that encourages further innovation to develop products that perform effectively while reducing their environmental impact. Therefore, the legislature finds that state buildings, school districts and public and private elementary and secondary schools should be informed of and should purchase environmentally- preferable cleaning and maintenance products.

Section 3: Definitions. For the purpose of this section, the following terms shall mean:

1. “Department” means the Department of Public Health.

2. “Elementary or Secondary School” means a facility used for instruction of elementary or secondary students by:

a. Any school district

b. Charter school

c. Approved private school

d. A state-supported school for students with disabilities

e. Any other private or parochial elementary or secondary school with greater than 50 students.

3. “State building” means any building owned by the state and for which the state is responsible for maintaining the day to day cleanliness of the building, either through procurement of cleaning products or via state-contracted cleaning services.

4. “Environmentally-preferable” cleaning and maintenance products means those cleaning and maintenance products that perform effectively and simultaneously meet the cleaning needs of the school while also minimizing adverse impacts on human health and the environment. “Environmentally- preferable” cleaning and maintenance products do not include:

a. Any product for which no guideline or environmental standard has been established by any of the nationally recognized third-party certification entities listed in the guidelines developed under section 4 of this act, or which is outside the scope of or is otherwise excluded under guidelines or environmental standards established by such national or international certification program, including:

(i) Disinfectants, disinfecting cleaners, sanitizers or any other antimicrobial product regulated by the Federal Insecticide, Fungicide and Rodenticide Act (7 U.S.C. Sec. 136 et seq.) unless US EPA promulgates a final rule to allow such products to make green claims and obtain and use green certifications.

(ii) Antimicrobial hand soaps regulated by the Food and Drug Administration.

5. “Facility” means any school building or facility used for instructional purposes and the surrounding grounds or other sites used for playgrounds, athletics or other instructional purposes.

Section 4. Green cleaning supply guidelines and specifications. The Department shall, in consultation with the Department of Environmental Protection and a panel of stakeholders,

50 including cleaning industry representatives, non-governmental organizations, and others,
51 establish and amend on a biennial basis guidelines and specifications for environmentally-
52 preferable cleaning and maintenance products, equipment and paper, for use in school facilities
53 and state buildings. The Department shall provide multiple avenues by which cleaning products
54 may be determined to be environmentally-preferable under the guidelines. At a minimum, the
55 guidelines shall include as avenues, the United States Environmental Protection Agency's
56 Design for the Environment (DfE) program, the EcoLogo program administered by TerraChoice,
57 Green Seal, and alternative qualifications, such as: a submission of testing by an accredited third-
58 party verifying that the product meets the criteria of one of the recognized standards; or
59 submission of a comparative life-cycle assessment (LCA) conducted in accordance with
60 applicable standards as determined by the International Organization for Standardization (ISO)
61 or any successor organization, and which demonstrates life cycle impact benefits (such as, but
62 not limited to: human health, global warming potential, waste, water or energy) associated with
63 the environmentally preferable cleaning product when compared to traditional cleaning products,
64 and others as determined appropriate by the Department. Guidelines and specifications must be
65 established after a review and evaluation of existing research and must be completed no later
66 than 180 days after the effective date of this Act. Guidelines and specifications should include
67 implementation practices, including inspection and evaluation. The completed guidelines and
68 specifications must be posted on the Department's website.

69 Section 5. Use of environmentally preferable cleaning supplies. By no later than 90 days
70 after implementation of the guidelines and specifications established under Section 4 of this Act,
71 all elementary and secondary public schools and state buildings shall establish a sustainable
72 cleaning policy and exclusively purchase and use environmentally-preferable cleaning products,
73 equipment and paper pursuant to the guidelines and specifications established under Section 4 of
74 this Act. Schools and state buildings will not dispose of existing products, rather a school or state
75 building is allowed to deplete its existing cleaning and maintenance supply stocks and implement
76 the new requirements in the procurement cycle for the following year.

77 Section 6. Dissemination to schools and state buildings. (a) Within 30 days of completion
78 of the guidelines and specifications under Section 4 of this Act, the Department shall determine
79 and implement a method for disseminating to each elementary or secondary non-public school
80 and state building in the State, the guidelines and specifications. The Department shall maintain a
81 website that promotes the use of environmentally-preferable cleaning and maintenance products,
82 that provides information on how procurement officials and others can determine which products
83 meet the criteria for environmental preferability, and that will include best practices for covered
84 schools and state buildings regarding environmentally preferable cleaning and maintenance
85 products. The website should contain prominent language stating that the guidelines do not apply
86 to products excluded under section 3 (3). The Department shall also provide on-going assistance
87 to schools and state buildings to carry out the requirements of this Act. (b) In the event that the
88 guidelines and specifications under Section 10 of this Act are updated by the Department, the

89 Department shall provide the updates to each school and state building and shall post all updated
90 materials on its website.