

SENATE No. 1195

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 adoption of the accompanying bill:

An Act relative to healthy schools.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Michael O. Moore</i>	<i>Second Worcester</i>
<i>Chris Walsh</i>	<i>6th Middlesex</i>
<i>Marjorie C. Decker</i>	<i>25th Middlesex</i>
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>

SENATE No. 1195

By Mr. Moore, a petition (accompanied by bill, Senate, No. 1195) of Michael O. Moore, Chris Walsh, Marjorie C. Decker and Jason M. Lewis for legislation relative to healthy cleaning products in schools. Public Health.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 1056 OF 2013-2014.]

The Commonwealth of Massachusetts

In the One Hundred and Eighty-Ninth General Court
(2015-2016)

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:

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

3 Section 5S. (a) Title. This section shall be referred to as “The Healthy Cleaning Products
4 Act” (b) The purpose of this section is to reduce asthma and other health threats from emissions
5 of toxic chemicals from cleaning products used in schools, hospitals and other health care
6 facilities, day care centers, public buildings, and public housing. (c) Definitions. For the purposes
7 of this section the following words shall have the following meanings:

8 “Cleaning product”, a product intended for use for routine cleaning of schools, hospitals
9 and other health care facilities, day care centers, and public housing, including general purpose

10 cleaners, bathroom cleaners, glass cleaners, carpet cleaners, disinfectants, 12 floor care products,
11 and hand soaps.

12 “Commissioner”, the commissioner of the department of public health.

13 “Day care center”, any public or private facility operated on a regular basis whether
14 known as a day nursery, nursery school, kindergarten, child play school, progressive school,
15 child development center or preschool, or known under any other name, which receives children
16 not of common parentage who are not more than six years of age, or who are not more than 21
17 years of age if such children have special needs, for nonresidential custody and care during part
18 or all of the day separate from their parents. Day care center shall not include: any part of a
19 public school system, any part of a private, organized educational system, unless the services of
20 such system are primarily limited to kindergarten, nursery or related preschool services, periodic
21 religious instruction classes conducted by a religious institution, a facility operated by a religious
22 organization where children are cared for during short periods of time while persons responsible
23 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.

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

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

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

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

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

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

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

(e) Healthy Cleaning Products List

No later than January 1 each year the commissioner shall prepare and release to the public the healthy cleaning products list. Said list shall include only those cleaning products that are determined to be an environmentally preferable product by the Massachusetts Operational

Services Division pursuant to the environmentally preferable purchasing criteria, and do not contain ingredients that the commissioner has determined as asthma causing agents (asthmagens), provided however that the commissioner shall establish, in consultation with representatives of hospital administration and staff, a separate list of the safest alternative disinfectants which are applicable only for use in areas of hospitals which require the application of special disinfectants for medical reasons.

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

(f) Training and Field Testing.

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

Based on the results of these teams, the Commissioner will develop training guidelines for each of the four settings and develop a plan for implementation that ensures training for all janitorial staff.

(g) Grant Program

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

(h) Notification Requirement

Manufacturers of cleaning products distributed, sold or offered for sale in the commonwealth shall furnish to the commissioner for public record such information regarding such products as the commissioner may require, in such form as prescribed by the commissioner. For each cleaning product, such information shall include but shall not be limited to: (1) a list naming each ingredient which equals or exceeds five percent of the contents of the product by weight which includes specifying the content by weight of each ingredient to the nearest percent; (2) a list naming each ingredient which does not equal or exceed five percent of the contents of the product by weight' provided, however, that ingredients which are present in trace quantities need not be included on such list unless the commissioner specifically requires the listing of one or more of such ingredients by weight to the nearest percent' and (3) the nature and extent of investigations and research performed by or for the manufacturer concerning the effects on human health and the environment of such product or such ingredients. Ingredients shall be listed using the generic chemical name that conforms with generally accepted rules of chemical nomenclature.

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

Accommodation of Chemically Sensitive Individuals

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

(j) Reasonable Fee

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

(k) Penalties

Any facility manager or owner who uses a cleaning product in violation of this act shall be punished by a fine of not less than five hundred dollars nor more than one thousand dollars. Any person who sells, or distributes a cleaning product in violation of this act shall be punished by a fine of not less than one thousand dollars and not more than twenty five thousand dollars for each twenty four hour period during which such violation occurs. The department of public

116 health may seize any cleaning product held for sale or distribution in violation of this section.

117 The seized cleansing agents shall be forfeited.

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