HOUSE DOCKET, NO. 2916 FILED ON: 1/20/2017

HOUSE . . . . . No. 2479

The Commonwealth of Massachusetts

PRESENTED BY:

Frank I. Smizik

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 to require environmentally safe alternatives to harmful cleaning products.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
Frank I. Smizik	*15th Norfolk*	*1/20/2017*
Jennifer E. Benson	*37th Middlesex*	*1/20/2017*
Lori A. Ehrlich	*8th Essex*	*1/20/2017*
James R. Miceli	*19th Middlesex*	*1/20/2017*
James B. Eldridge	*Middlesex and Worcester*	*1/20/2017*
Marjorie C. Decker	*25th Middlesex*	*1/20/2017*
Jonathan Hecht	*29th Middlesex*	*1/20/2017*
Louis L. Kafka	*8th Norfolk*	*1/20/2017*
James J. Dwyer	*30th Middlesex*	*1/20/2017*
Ruth B. Balser	*12th Middlesex*	*1/20/2017*
Solomon Goldstein-Rose	*3rd Hampshire*	*1/20/2017*
Barbara A. L'Italien	*Second Essex and Middlesex*	*1/20/2017*
Carolyn C. Dykema	*8th Middlesex*	*1/20/2017*
Paul R. Heroux	*2nd Bristol*	*1/20/2017*
Kathleen O'Connor Ives	*First Essex*	*1/20/2017*
Alice Hanlon Peisch	*14th Norfolk*	*1/20/2017*
Stephan Hay	*3rd Worcester*	*1/20/2017*

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By Mr. Smizik of Brookline, a petition (accompanied by bill, House, No. 2479) of Frank I. Smizik and others for legislation to require environmentally safe alternatives to harmful cleaning products. Public Health.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. *2067* OF 2015-2016.]

The Commonwealth of Massachusetts

In the One Hundred and Ninetieth General Court
(2017-2018)

An Act to require environmentally safe alternatives to harmful cleaning products.

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 5S by inserting the following section:-

Section 5T.

(a) Title. This section shall be referred to as “The Safer Cleaning Products Act”

(b) Purpose. The purpose of this section is to reduce asthma and other health threats from emissions of toxic chemicals from cleaning products used in schools, day care centers, public buildings, and common areas of 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, including but not limited to general purpose cleaners, bathroom cleaners, glass cleaners, carpet cleaners, 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 cooperative arrangement among neighbors or relatives; or the occasional care of children with or without compensation.

"Environmentally preferable purchasing criteria", standards for evaluating products such as those defined by the state Operational Services Division; such standards include but are not limited to products which are not toxic to humans, and that do not contain any ingredients which are carcinogens or which are known to cause reproductive toxicity, is not corrosive to the skin or eyes, is not a sensitizer, is not combustible, does not contribute to the production of

photochemical smog, tropospheric ozone depletion, or poor indoor air quality, is not toxic to aquatic life, does not contain more than 0.5% by weight of total phosphorus, and which does exhibit biodegradability.

"Safer cleaning product", a cleaning product which is listed on the Safer Cleaning Product List established by the Department of Public Health pursuant to this section.

"Public building", 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, day care center, public building, or common area of public housing in Massachusetts unless said cleaning product is contained on the list of safer cleaning products established by the commissioner pursuant to this section.

(e) Safer Cleaning Products List. No later than January 1 each even numbered year the commissioner shall prepare and release to the public the safer cleaning products list. Said list shall include only those cleaning products that:

(1) are determined to be an environmentally preferable product by the Massachusetts Operational Services Division pursuant to the environmentally preferable purchasing criteria; and

(2) do not contain ingredients that the commissioner has determined as asthma-causing agents (asthmagens) unless a safer alternative is not available; the commissioner may consult available sources such as the criteria for designating substances as occupational asthmagens and the list of asthmagens prepared by the Association of Occupational and Environmental Clinics in making such determinations;

(3)The commissioner shall annually review the safer cleaning products list and make changes as necessary to ensure that the safest available cleaning products are on the list.

(f) Training. The division of occupational safety, in consultation with the commissioner, shall establish a program to require the training of all cleaning personnel in the use and disposal of the products on the safer cleaning products list in the field, at day care centers, schools, public buildings, and public housing with the cooperation of the cleaning personnel who actually use and dispose of the products in the course of their employment. Furthermore, the division of occupational safety will develop training guidelines and develop a plan for implementation that ensures training for all custodial staff.

(g) Accommodation of Chemically Sensitive Individuals. Nothing in this section shall preclude an individual from requesting a facility to use or for a facility from using a cleaning product not on the safer cleaning products list as an accommodation to a person who is chemically sensitive.

(h) 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 safer cleaning products list, and to support training programs established by the division of occupational safety according to subsection (f).

(i) 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 health may seize any cleaning product held for sale or distribution in violation of this section. The seized cleaning product shall be forfeited.

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