HOUSE DOCKET, NO. 1811 FILED ON: 1/18/2023

HOUSE . . . . . No. 2258

The Commonwealth of Massachusetts

PRESENTED BY:

David M. Rogers and Steven Owens

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:
David M. Rogers	*24th Middlesex*	*1/18/2023*
Steven Owens	*29th Middlesex*	*1/18/2023*
Rebecca L. Rausch	*Norfolk, Worcester and Middlesex*	*1/24/2023*
Rodney M. Elliott	*16th Middlesex*	*2/23/2023*
Tommy Vitolo	*15th Norfolk*	*9/19/2023*

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HOUSE . . . . . No. 2258

By Representatives Rogers of Cambridge and Owens of Watertown, a petition (accompanied by bill, House, No. 2258) of David M. Rogers, Steven Owens and others relative to improving environmental conditions to reduce asthma in schools. Public Health.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. *2393* OF 2021-2022.]

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Third General Court
(2023-2024)

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:

Chapter 111 of the General Laws, as appearing in the 2020 Official Edition, is hereby amended by inserting after section 5S the following section:-

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

"Cleaning product", a product intended for use for routine cleaning, including but not limited to general purpose and all-purpose cleaners, glass, carpet, and bathroom cleaners, appliance cleaners, and floor and carpet care products (cleaner, finisher, polisher, and stripper); but shall not apply to disinfectants or sanitizers regulated by the United States Environmental Protection Agency under the Federal Insecticide, Fungicide and Rodenticide Act 7 U.S.C.

section 136 et seq. or as required by other federal or state regulations or antimicrobial hand soaps regulated by the Food and Drug Administration.

"Department", department of public health.

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

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

"HEPA vacuums", a high-efficiency particulate air filter vacuuming device.

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

(b) (1) The department shall recommend a public school with a pediatric asthma prevalence of 20 per cent or higher, or the highest quartile of pediatric asthma prevalence, to develop an indoor air quality management plan that describes the measures to be taken to provide good and improved indoor air quality to reduce the levels of indoor air pollutants through preventive measures to promote a comfortable and healthy learning and working

environment; plan objectives may include, but are not limited to: (i) routine maintenance activities; (ii) periodic building evaluations and inspections; (iii) maintenance of adequate air exchanges by repairing and maintaining ventilation equipment; and (iv) effectively communicating corrective steps to all interested parties. Any indoor air quality management plan shall include the use of HEPA vacuums which shall be specified in any cleaning contract entered into by a public school for the purposes of implementing the air quality management plan.

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

the committee may include but are not limited to (i) routine maintenance activities; (ii) periodic building evaluations and inspections; (iii) maintenance of adequate air exchanges by repairing and maintaining ventilation equipment; and (iv) effectively communicating corrective steps to all interested parties. Any indoor air quality management plan developed by the committee shall include the use of HEPA vacuums which shall be specified in any cleaning contract entered into by a public school for the purposes of implementing the air quality management plan.

(c) (1) Beginning September 1, 2024, cleaning products shall not be used in any public school unless the cleaning product meets environmentally preferable purchasing criteria. A public school may purchase environmentally preferable products and services through statewide contract vendors or through outside vendors; provided that such vendor meets environmentally preferable purchasing criteria.

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

(3) An individual who attends or works in a public school who experiences adverse health effects from allergic or hypersensitivity reaction from exposure to the environmentally preferable products and services 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.

(4) The department shall recommend a public school with a pediatric asthma prevalence of 20 per cent or higher, or the highest quartile of pediatric asthma prevalence, to purchase

environmentally preferable cleaning products and services that are approved by the United States Environmental Protection Agency.

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