HOUSE DOCKET, NO. 1834 FILED ON: 1/20/2011

HOUSE . . . . . No. 1524

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:
Jeffrey Sánchez	*15th Suffolk*
Frank I. Smizik	*15th Norfolk*
William N. Brownsberger	
Martin J. Walsh	*13th Suffolk*
James B. Eldridge	
Kathi-Anne Reinstein	*16th Suffolk*
Jason M. Lewis	*31st Middlesex*

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By Mr. Sánchez of Boston, a petition (accompanied by bill, House, No. 1524) of Jeffrey Sánchez and others for legislation to reduce asthma and other health threats from certain cleaning products used in schools. Public Health.

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

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 2008 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, hand soaps, and 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.

"Department", department of public health.

12 “Environmentally preferable products and services”, products or services that have a
13 lesser or reduced effect on human health and the environment when compared to competing
14 products or services that serve the same purpose; products may include, but not be limited to
15 items that contain recycled materials; minimize waste; conserve energy or water; consist of few
16 toxic substances; reduce the amount of toxic substances disposed or consumed; protect open
17 space; and lessen the impact to public health.

18 “Environmentally preferable purchasing criteria”, standards for evaluating products that
19 have been established by reputable third-party certifying organizations as specified by the
20 operational services division in the commonwealth’s statewide contract for environmentally
21 preferable cleaning products, programs, equipment, and supplies; such products shall be certified
22 to show that, among other things, they are not toxic to humans and aquatic life, and do not
23 contain any ingredients which are carcinogens or which are known to cause reproductive
24 toxicity; are not corrosive to the skin or eyes, not a sensitizer, not combustible, and do not
25 contribute to the production of photochemical smog, tropospheric ozone depletion, or poor
26 indoor air quality; such products may not contain heavy metals or contain greater than 0.5 per
27 cent by weight of total phosphorus, and they shall exhibit ready biodegradability.

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

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

34 through preventive measures to promote a comfortable and healthy learning and working
35 environment; plan objectives may include, but are not limited to: (i) routine maintenance
36 activities; (ii) periodic building evaluations and inspections; (iii) maintenance of adequate air
37 exchanges by repairing and maintaining ventilation equipment; and (iv) effectively
38 communicating corrective steps to all interested parties.

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

56

57 (c) (1) Beginning September 1, 2012, cleaning products shall not be used in any public
58 school unless the cleaning product meets environmentally preferable purchasing criteria. A
59 public school may purchase environmentally preferable products and services through statewide
60 contract vendors or through outside vendors; provided that such vendor meets environmentally
61 preferable purchasing criteria.

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

65 (3) The operational services division shall develop a list of environmentally preferable
66 cleaning products and services in the commonwealth's statewide contract that are approved by
67 the environmental protections agency; provided that the division shall negotiate lower prices for
68 products on the list.

69 The department shall recommend a public school with a pediatric asthma prevalence of
70 20 per cent or higher, or the highest quartile of pediatric asthma prevalence, to purchase
71 environmentally preferable cleaning products and services that are approved by the
72 environmental protections agency.

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