

SENATE No. 816

The Commonwealth of Massachusetts

PRESENTED BY:

Ms. 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 passage of the accompanying bill:

An Act Concerning Environmentally Preferable Cleaning Supplies.

PETITION OF:

NAME:

Ms. Flanagan

DISTRICT/ADDRESS:

Worcester and Middlesex

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

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:

1 **Section 1. Short title.** This Act may be cited as the Green Cleaning Act.

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

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

- 19 1. "Elementary or Secondary School" means a facility used for instruction of elementary or
20 secondary students by:
- 21 a. Any school district
 - 22 b. Charter school
 - 23 c. Approved private school
 - 24 d. A state-supported school for students with disabilities

- 25 e. Any other private or parochial elementary or secondary school with greater than 50
26 students.
- 27 2. “State building” means any building owned by the state and for which the state is responsible for
28 maintaining the day to day cleanliness of the building, either through procurement of cleaning
29 products or via state-contracted cleaning services.
- 30 3. “Environmentally-preferable” cleaning and maintenance products means those cleaning and
31 maintenance products that perform effectively and simultaneously meet the cleaning needs of the
32 school while also minimizing adverse impacts on human health and the environment.
33 “Environmentally-preferable” cleaning and maintenance products do not include:
- 34 a. Any product for which no guideline or environmental standard has been established by any
35 of the nationally recognized third-party certification entities listed in the guidelines developed under
36 section 4 of this act, or which is outside the scope of or is otherwise excluded under guidelines or
37 environmental standards established by such national or international certification program,
38 including:
- 39 (i) Disinfectants, disinfecting cleaners, sanitizers or any other antimicrobial product
40 regulated by the Federal Insecticide, Fungicide and Rodenticide Act (7 U.S.C. Sec. 136 *et*
41 *seq.*) unless US EPA promulgates a final rule to allow such products to make green claims
42 and obtain and use green certifications.
- 43 (ii) Antimicrobial hand soaps regulated by the Food and Drug Administration.
44
- 45 4. “Facility” means any school building or facility used for instructional purposes and the
46 surrounding grounds or other sites used for playgrounds, athletics or other instructional purposes.

47 **Section 4. Green cleaning supply guidelines and specifications.** The LEAD AGENCY (EPA,
48 General Services, Public Health, Department of Education or other department) shall, in consultation
49 with OTHER DEPARTMENTS and a panel of stakeholders, including cleaning industry
50 representatives, non-governmental organizations, and others, establish and amend on a biennial basis
51 guidelines and specifications for environmentally-preferable cleaning and maintenance products,
52 equipment and paper, for use in school facilities and state buildings. The LEAD AGENCY shall
53 provide multiple avenues by which cleaning products may be determined to be environmentally-
54 preferable under the guidelines. At a minimum, the guidelines shall include as avenues, the United
55 States Environmental Protection Agency’s Design for the Environment (DfE) program, the EcoLogo
56 program administered by TerraChoice, Green Seal, and alternative qualifications, such as: a
57 submission of testing by an accredited third-party verifying that the product meets the criteria of one
58 of the recognized standards; or submission of a comparative life-cycle assessment (LCA) conducted
59 in accordance with applicable standards as determined by the International Organization for
60 Standardization (ISO) or any successor organization, and which demonstrates life cycle impact
61 benefits (such as, but not limited to: human health, global warming potential, waste, water or energy)
62 associated with the environmentally preferable cleaning product when compared to traditional
63 cleaning products, and others as determined appropriate by the LEAD AGENCY. Guidelines and
64 specifications must be established after a review and evaluation of existing research and must be
65 completed no later than 180 days after the effective date of this Act. Guidelines and specifications

66 should include implementation practices, including inspection and evaluation. The completed
67 guidelines and specifications must be posted on the LEAD AGENCY's website.

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

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