

1 H.389

2 Introduced by Representatives Fisher of Lincoln, Copeland-Hanzas of

3 Bradford, Lanpher of Vergennes, Lewis of Derby, Macaig of

4 Williston, McCullough of Williston, Nuovo of Middlebury and

5 Peltz of Woodbury

6 Referred to Committee on

7 Date:

8 Subject: Health; cleaning products; school

9 Statement of purpose: This bill proposes to protect the health of children,
10 custodial staff, and other building occupants by requiring safer cleaning
11 products in schools.

12 An act relating to protecting childrens' health by the use of safer cleaning
13 products in schools

14 It is hereby enacted by the General Assembly of the State of Vermont:

15 Sec. 1. 18 V.S.A. chapter 39 is added to read:

16 CHAPTER 39. CLEANING PRODUCTS IN SCHOOLS

17 § 1781. DEFINITIONS

18 As used in this chapter:

1 (1) “Air freshener” means an aerosol spray, liquid deodorizer, plug-in
2 product, para-di-chlorbenzene block, scented urinal screen, or other
3 preparation used to mask odors or freshen the air in a room.

4 (2) “Cleaning for Health” means a program that includes the use of a
5 cleaning product certified as environmentally preferable by an independent
6 third party, best practices that follow accepted management standards and
7 improve indoor air quality, and equipment that facilitates effective cleaning.

8 (3) “Cleaning product” means an institutional compound intended for
9 routine cleaning, including general purpose cleaners, bathroom cleaners, glass
10 cleaners, carpet cleaners, floor care products, sanitary paper products,
11 disinfectants, and hand soaps.

12 (4) “Department” means the department of health.

13 (5) “Disinfectant” means a product that is registered with the U.S.
14 Environmental Protection Agency to be used on hard inanimate surfaces and
15 objects to destroy or irreversibly inactivate all forms of microbial life but not
16 necessarily the spores.

17 (6) “Environmentally preferable cleaning product” means a cleaning
18 product that has a less negative effect on human health and the environment
19 when compared to competing products serving the same purpose.

1 (7) “Independent third party” means a nationally recognized program
2 developed for the purpose of certifying environmentally preferable cleaning
3 products. The certification program shall:

4 (A) define the fees a manufacturer must pay for certification;

5 (B) identify any potential conflicts of interest;

6 (C) base certification on consideration of human health and safety,
7 ecological toxicity, other environmental impacts, and resource conservation as
8 appropriate for the product and its packaging on a life-cycle basis;

9 (D) develop certification standards in an open, public, and
10 transparent manner that involves the public and key stakeholders;

11 (E) periodically revise and update the standards to remain consistent
12 with current research about the impacts of chemicals on human health;

13 (F) monitor and enforce the standards, have the authority to inspect
14 the manufacturing facility and periodically do so, and have a registered or
15 legally protected certification mark; and

16 (G) make the standards easily accessible to purchasers and
17 manufacturers.

18 (8) “School” means:

19 (A) Any public school in Vermont, including regional technical
20 centers and comprehensive high schools;

1 (B) Any prekindergarten education program that enrolls children
2 included in a school district's average daily membership; and

3 (C) Any approved independent school.

4 § 1782. ENVIRONMENTALLY PREFERABLE CLEANING PRODUCTS

5 (a) A representative of a distributor or manufacturer of cleaning products
6 shall not sell or distribute to a school a cleaning product that is not an
7 environmentally preferable cleaning product unless that product has been
8 approved as provided for in subsection (c) of this section.

9 (b) Each school district shall ensure that only environmentally preferable
10 cleaning products certified by an independent third party, when available, are
11 used to clean schools within its jurisdiction and shall not purchase or allow the
12 use of air fresheners in a school.

13 (c) If there is no certification standard by an independent third party for a
14 particular type of cleaning product, a school shall establish a stakeholder
15 committee to review the available options and choose the most effective
16 environmentally preferable cleaning product available.

17 (d) Each school district shall adopt a policy that prohibits school
18 employees from accepting, distributing, using, or donating cleaning products
19 that are not certified as environmentally preferable by an independent third
20 party.

1 § 1783. VIOLATIONS

2 (a) Any representative for a distributor or manufacturer of cleaning
3 products who sells or distributes a cleaning product in violation of this act shall
4 be punished by a fine of no less than \$1,000.00 and no more then \$25,000.00
5 for each violation.

6 (b) Any school district violating this act shall be fined no less than
7 \$100.00 and no more than 4500.00 for each violation. It shall not be a
8 violation for a school to use cleaning products purchased prior to July 1, 2009
9 after that date until such products are depleted.

10 (c) After July 1, 2009, the department may seize any cleaning product
11 found at a school that is not an environmentally preferable cleaning product.
12 The seized cleaning product shall be forfeited.

13 Sec. 2. Sec. 2 of No. 125 of the Acts of 2000 is amended to read:

14 Sec. 2. COMMISSIONERS OF HEALTH AND OF BUILDINGS AND
15 GENERAL SERVICES; SCHOOL ENVIRONMENTAL HEALTH
16 WEBSITE

17 (a) The commissioners of health and of buildings and general services shall
18 jointly create and jointly update as necessary an electronic school
19 environmental health clearinghouse site on the health department's website,
20 including diagnostic checklists and searchable databases. This website shall
21 include:

1 (1) Information on materials and practices in common use in school
2 operations and construction that may compromise indoor air quality or
3 negatively impact human health;

4 (2) Information on potential health problems associated with these
5 materials, with specific reference to children's vulnerability;

6 (3) Information on integrated pest management and alternatives to
7 chemical pest control;

8 (4) Information on methods to reduce or eliminate exposure to
9 potentially hazardous substances in schools, including the following:

10 (A) a list of preventive management options, such as ventilation,
11 equipment upkeep, design strategies, and performance standards;

12 (B) a list of nontoxic or least-toxic office and classroom supplies,
13 ~~maintenance and cleaning chemicals~~, building equipment, and materials and
14 furnishings; and

15 (C) a list of environmental health criteria that schools may use as a
16 decision-making tool when determining what materials to purchase or use in
17 school construction or operations;

18 (5) Information on environmentally preferable cleaning products
19 certified by an independent third party, including:

1 (A) a list of environmentally preferable cleaning products certified by
2 an independent third party and links to the third party's website if available;

3 and

4 (B) procedures for using environmentally preferable cleaning
5 products;

6 ~~(5)~~(6) The model school environmental health policy and management
7 plan developed pursuant to Sec. 3 of this act.

8 (b) The commissioners of health and of buildings and general services,
9 education and health, with help from the secretary of the agency of natural
10 resources when appropriate, shall:

11 (1) Review the information on the school environmental health
12 information clearinghouse at least twice yearly, and update it whenever
13 significant developments occur.

14 (2) At the request of school officials, assist school environmental health
15 coordinators to identify potential sources of environmental pollution in the
16 school, and make recommendations on how to alleviate any problems.

17 (3) Annually, organize school environmental health training workshop
18 for school environmental health coordinators and school administrators, and an
19 annual training for school maintenance and custodial staff. The workshop
20 shall include an overview of a Cleaning for Health program. The department

1 shall issue certificates of training to participants who successfully complete the
2 workshops.

3 (4) Publicize the availability of information through the school
4 environmental health clearinghouse.

5 (5) Provide information and referrals to members of school communities
6 who contact the school environmental health clearinghouse with hazardous
7 exposure and indoor air concerns.

8 (6) Assist elementary and secondary schools in Vermont to establish
9 comprehensive school environmental health programs, which have all or most
10 of the elements of the model policy developed pursuant to Sec. 3 of this act, to
11 address indoor air and hazardous exposure issues.

12 (7)(A) Report annually to the house and senate committees on education
13 on the extent of indoor air and hazardous exposure problems in Vermont
14 schools and on the percentage of Vermont schools that have established a
15 school environmental health program or qualified for environmental health
16 certification.

17 (B) Beginning January 1, 2010, report annually to the house and
18 senate committees on education on the number of schools which have
19 depleted the existing inventory of conventional cleaning products, on the
20 school's levels of satisfaction with the environmentally preferable cleaning
21 products, and on violations of this act.

1 (c) Any information provided under this section shall be based on peer-
2 reviewed published scientific material.

3 Sec. 3. EFFECTIVE DATE

4 This act shall become effective for cleaning products purchased, sold, or
5 distributed on or after July 1, 2009.