

1 S.92

2 Introduced by Committee on Education

3 Date: March 11, 2011

4 Subject: Environmental health; green cleaning products in schools

5 Statement of purpose: This bill proposes to protect the health of students,
6 custodial staff, and other building occupants by requiring the use in schools of
7 safe cleaning products.

8 An act relating to the protection of students' health by requiring the use of
9 safe cleaning products in schools

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

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

12 ~~CHAPTER 39. CLEANING PRODUCTS IN SCHOOLS~~

13 ~~§ 1781. DEFINITIONS~~

14 ~~As used in this chapter:~~

15 ~~(1) "Air freshener" means an aerosol spray, liquid deodorizer, plug-in~~
16 ~~product, para-di-chlorbenzene block, scented urinal screen, or other product~~
17 ~~used to mask odors or freshen the air in a room.~~

18 ~~(2) "Antimicrobial pesticides" means a pesticide that is intended to:~~

19 ~~(A) disinfect, sanitize, reduce, or mitigate growth or development of~~
20 ~~microbiological organisms; or~~

1 ~~(B) protect inanimate objects, industrial processes or systems,~~
2 surfaces, water, or other chemical substances from contamination, fouling, or
3 deterioration caused by bacteria, viruses, fungi, protozoa, algae, or slime.

4 (3) "Cleaning product" means an institutional compound intended for
5 routine cleaning, including antimicrobial pesticides, general purpose cleaners,
6 bathroom cleaners, glass cleaners, carpet cleaners, floor care products, and
7 hand soaps. "Cleaning product" shall also mean disinfectants once the U.S.
8 Environmental Protection Agency has approved third party certification of
9 environmentally preferable disinfectants.

10 (4) "Commissioner" means the commissioner of health or the
11 commissioner's designee.

12 (5) "Custodial manager" means the employee of a school district who
13 has supervisory and decision-making authority with regard to the sanitary and
14 physical condition of school property, including authority over cleaning
15 product purchases.

16 (6) "Disinfectant" means substances or mixtures of substances used on
17 hard inanimate surfaces and objects to destroy or irreversibly inactivate
18 infectious fungi and bacteria but not necessarily their spores.

19 (7) "Environmentally preferable cleaning product" means a cleaning
20 product that has a less negative effect on human health and the environment
21 when compared to competing products serving the same purpose.

1 ~~(8) "Green cleaning" means a practice that includes the use of a cleaning~~
2 ~~product certified as environmentally preferable by an independent third party,~~
3 ~~best practices that follow accepted management standards and improve indoor~~
4 ~~air quality, and equipment that facilitates effective cleaning.~~

5 ~~(9)(A) "Independent third party" means a nationally recognized~~
6 ~~organization that has developed a program for the purpose of certifying~~
7 ~~environmentally preferable cleaning products. The independent third party's~~
8 ~~certification program shall:~~

9 ~~(i) define a manufacturer's certification fees;~~

10 ~~(ii) identify any potential conflicts of interest;~~

11 ~~(iii) base certification on consideration of human health and~~
12 ~~safety, ecological toxicity, other environmental impacts, and resource~~
13 ~~conservation as appropriate for the product and its packaging on a life-cycle~~
14 ~~basis;~~

15 ~~(iv) develop certification standards in an open, public, and~~
16 ~~transparent manner that involves the public and key stakeholders;~~

17 ~~(v) periodically revise and update the standards to remain~~
18 ~~consistent with current research about the impacts of chemicals on human~~
19 ~~health;~~

20 ~~(vi) monitor and enforce the standards for the purpose of~~
21 ~~certification, and have the authority to inspect the manufacturing facility and~~

1 ~~periodically do so, and have a registered or legally protected certification~~

2 mark; and

3 (vii) make the standards easily accessible to purchasers and

4 manufacturers; or

5 (B) In the alternative, “independent third party” means any

6 organization otherwise deemed by the department of health to satisfactorily

7 assess and certify environmentally preferable cleaning products.

8 (10) “Manufacturer” means any person or entity engaged in the process

9 of manufacturing cleaning products for commercial distribution.

10 (11) “School” means:

11 (A) A public school in Vermont, including a regional technical center

12 and a comprehensive high school; and

13 (B) An approved independent school.

14 § 1782. ENVIRONMENTALLY PREFERABLE CLEANING PRODUCTS

15 (a)(1) A school district shall ensure that only environmentally preferable

16 cleaning products are used to clean schools within its jurisdiction. The

17 custodial manager shall use:

18 (A) those environmentally preferable cleaning products utilized by

19 the department of buildings and general services in state contracts; or

20 (B) cleaning products certified as environmentally preferable by an

21 independent third party.

1 ~~(2) Notwithstanding the provisions of subdivision (1) of this subsection,~~

2 a school district may use cleaning products purchased prior to July 1, 2011

3 after that date until such products are depleted, but no later than July 1, 2012.

4 (b) Each school district shall prohibit school employees from accepting or
5 using cleaning products that do not meet the requirements of subsection (a) of
6 this section.

7 (c) Notwithstanding subsection (a) of this section, a school district may
8 temporarily use nonenvironmentally preferable disinfectants registered with
9 the U.S. Environmental Protection Agency according to manufacturers'
10 specifications when:

11 (1) blood, body fluids, or fecal soiling is present on any surface; or

12 (2) the commissioner makes a case-specific determination that failure
13 to use nonenvironmentally preferable disinfectants would create a risk to
14 public health and safety.

15 (d) Notwithstanding subsection (a) of this section, a school district's
16 water systems may be treated pursuant to state standards.

17 § 1783. AIR FRESHENERS

18 A school district shall not purchase or allow the use of air fresheners in a
19 school.

1 ~~Sec. 2. Sec. 2 of No. 125 of the Acts of the 1999 Adj. Sess. (2000) is~~

2 amended to read:

3 Sec. 2. COMMISSIONERS OF HEALTH AND OF BUILDINGS AND
4 GENERAL SERVICES; SCHOOL ENVIRONMENTAL
5 HEALTH WEBSITE

6 (a)(1) The commissioners of health and of buildings and general services
7 shall jointly create and jointly update as necessary an electronic school
8 environmental health clearinghouse site on the health department's website,
9 including diagnostic checklists and searchable databases. This website shall
10 include:

11 ~~(1)~~(A) Information on materials and practices in common use in school
12 operations and construction that may compromise indoor air quality or
13 negatively impact human health;

14 ~~(2)~~(B) Information on potential health problems associated with these
15 materials, with specific reference to children's vulnerability;

16 ~~(3)~~(C) Information on integrated pest management and alternatives to
17 chemical pest control;

18 ~~(4)~~(D) Information on methods to reduce or eliminate exposure to
19 potentially hazardous substances in schools, including the following:

20 ~~(A)~~(i) a list of preventive management options, such as ventilation,
21 equipment upkeep, design strategies, and performance standards;

1 ~~(B)(ii) a list of nontoxic or least toxic office and classroom supplies,~~
2 ~~maintenance and cleaning chemicals, building equipment, and materials and~~
3 ~~furnishings; and~~

4 ~~(C)(iii) a list of environmental health criteria that schools may use as~~
5 ~~a decision-making tool when determining what materials to purchase or use in~~
6 ~~school construction or operations;~~

7 (E) Information on environmentally preferable cleaning products
8 certified by an independent third party, including:

9 (i) a list of recommended environmentally preferable cleaning
10 products certified by an independent third party pursuant to 18 V.S.A. chapter
11 39 and links to the third party's website if available; and

12 (ii) procedures for using environmentally preferable cleaning
13 products;

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

16 (2) The commissioner of education shall notify each school district that
17 it shall annually:

18 (A) view the environmental health clearinghouse site; and

19 (B) certify electronically that it is in compliance with the laws
20 described on the environmental health clearinghouse site.

1 ~~(b) The commissioners of health, of buildings and general services, and of~~

2 education, with help from the secretary of the agency of natural resources

3 when appropriate, shall:

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

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

10 (3) Annually, organize a school environmental health training workshop
11 for school environmental health coordinators and school administrators, and an
12 annual training for school maintenance and custodial staff. Each workshop
13 and training shall include instruction on green cleaning practices, including
14 products and procedures as defined pursuant to 18 V.S.A. § 1781. The
15 department shall issue certificates of training to participants who successfully
16 complete the workshops.

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

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

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

5 (7) Report annually to the house and senate committees on education on
6 the extent of indoor air and hazardous exposure problems in Vermont schools
7 and on the percentage of Vermont schools that have established a school
8 environmental health program or qualified for environmental health
9 certification.

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

12 Sec. 3. EFFECTIVE DATE

13 ~~This act shall take effect on July 1, 2011.~~

Sec. 1. STATEMENT OF POLICY

The general assembly has long been committed to improving the indoor air quality of schools and the environmental health of students. To that end, the envision program, adopted by this body in No. 125 of the Acts of the 1999 Adj. Sess. (2000), shall be instructional in carrying out the requirements set forth in 18 V.S.A. chapter 39.

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

CHAPTER 39. CLEANING PRODUCTS IN SCHOOLS

§ 1781. DEFINITIONS

As used in this chapter:

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

(2) “Antimicrobial pesticide” means a product regulated by the federal Insecticide, Fungicide and Rodenticide Act that is intended to:

(A) disinfect, sanitize, reduce, or mitigate growth or development of microbiological organisms; or

(B) protect inanimate objects, industrial processes or systems, surfaces, water, or other chemical substances from contamination, fouling, or deterioration caused by bacteria, viruses, fungi, protozoa, algae, or slime.

(3) “Cleaning product” means an institutional compound intended for routine cleaning, including general purpose cleaners, bathroom cleaners, glass cleaners, carpet cleaners, floor care products, and hand soaps. Cleaning product shall not mean an antimicrobial pesticide.

(4) “Conventional cleaning product” means a cleaning product that is not an environmentally preferable cleaning product.

(5) “Distributor” means any person or entity that distributes cleaning products commercially, but excludes retail stores.

(6) “Environmentally preferable cleaning product” means a cleaning product that has a lesser or reduced effect on human health and the environment when compared to competing products serving the same purpose.

~~(7) “Green cleaning” means a practice that includes the use of a cleaning product certified as environmentally preferable by an independent third party, best practices that follow accepted management standards and improve indoor air quality, and equipment that facilitates effective cleaning.~~

(7) “Green cleaning” means a practice that includes:

(A) the use of a cleaning product certified as environmentally preferable by an independent third party or an environmentally preferable cleaning product used by the department of buildings and general services;

(B) best practices that follow accepted management standards and improve indoor air quality; and

(C) equipment that facilitates effective cleaning.

(8)(A) “Independent third party” means a nationally recognized organization that has developed a program for the purpose of certifying environmentally preferable cleaning products. The independent third party’s certification program shall:

(i) define a manufacturer’s certification fees;

(ii) identify any potential conflicts of interest;

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

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

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

(vi) monitor and enforce the standards for the purpose of certification, and have the authority to inspect the manufacturing facility and periodically do so, and have a registered or legally protected certification mark; and

(vii) make the standards easily accessible to purchasers and manufacturers; or

(B) In the alternative, "independent third party" means any organization otherwise deemed by the department of health to satisfactorily assess and certify environmentally preferable cleaning products.

(9) "Manufacturer" means any person or entity engaged in the process of manufacturing cleaning products for commercial distribution.

(10) "School" means:

(A) A public school in Vermont, including a regional technical center and a comprehensive high school; and

(B) An approved independent school.

§ 1782. ENVIRONMENTALLY PREFERABLE CLEANING PRODUCTS

(a) A distributor or manufacturer of cleaning products shall sell, offer for sale, or distribute to a school, school district, supervisory union, or procurement consortium only:

(1) environmentally preferable cleaning products utilized by the department of buildings and general services under state contracts; or

(2) cleaning products certified as environmentally preferable by an independent third party.

(b) A person who contracts with a school, school district, or supervisory union to provide cleaning services for a school only shall use a cleaning product that meets the requirements of subdivisions (a)(1) and (2) of this section.

(c) Nothing in this chapter shall be construed to regulate the sale, use, or distribution of antimicrobial pesticides.

(d) A distributor or manufacturer of cleaning products shall provide a green cleaning training to each school district it provides with environmentally preferable cleaning products, provided the training is incurred at no cost to the school district.

§ 1783. ENVIRONMENTALLY PREFERABLE AIR FRESHENERS

(a) A distributor or manufacturer shall sell, offer for sale, or distribute air fresheners to a school, school district, supervisory union, or procurement consortium only if the air fresheners are certified as environmentally preferable by an independent third party.

(b) A person who contracts with a school, school district, or supervisory union to provide cleaning services for a school shall only use air fresheners that meet the requirements of subsection (a) of this section.

§ 1784. PENALTY EXEMPTION

Nothing in this chapter shall cause a person to be subject to the fine established in section 7 of this title.

Sec. 2. TRANSITION

Notwithstanding the provisions of 18 V.S.A. § 1782:

(1) A manufacturer or distributor of cleaning products may continue to sell, offer for sale, or distribute conventional cleaning products to a school, school district, supervisory union, or procurement consortium until July 1, ~~2011~~ 2012. A school may continue to use conventional cleaning products purchased prior to July 1, ~~2011~~ 2012 until supplies are depleted.

(2) A manufacturer or distributor of cleaning products may continue to sell, offer for sale, or distribute conventional cleaning products to an approved independent school with fewer than 50 students until July 1, ~~2012~~ 2013. An approved independent school with fewer than 50 students may continue to use conventional cleaning products purchased prior to July 1, ~~2012~~ 2013 until supplies are depleted.

Sec. 3. Sec. 2 of No. 125 of the Acts of the 1999 Adj. Sess. (2000) is amended to read:

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

(a) The commissioners of health and of buildings and general services shall jointly create and jointly update as necessary an electronic school

environmental health clearinghouse site on the health department's website, including diagnostic checklists and searchable databases. This website shall include:

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

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

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

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

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

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

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

(5) Information on environmentally preferable cleaning products, including:

(A) a list of environmentally preferable cleaning products used by the department of buildings and general services under state contracts or a list of environmentally preferable cleaning products certified by an independent third party pursuant to 18 V.S.A. chapter 39; and

(B) procedures for using environmentally preferable cleaning products;

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

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

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

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

(3) *Annually, organize a school environmental health training workshop for school environmental health coordinators and school administrators, and an annual training for school maintenance and custodial staff. Each workshop and training shall include instruction on green cleaning practices, including products and procedures as defined pursuant to 18 V.S.A. § 1781. The department shall issue certificates of training to participants who successfully complete the workshops.*

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

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

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

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

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

Sec. 4. EFFECTIVE DATE

This act shall take effect on July 1, ~~2011~~ 2012.