



SENATE, NO. 2201

AN ACT TO REDUCE ASTHMA RATES AND THEIR ASSOCIATED COSTS

*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. Chapter 111 of the General Laws is hereby amended following section 5R by
2 inserting the following section:

3 Section 5S. (a) Title. This section shall be referred to as “The Safer Cleaning Products Act”

4 (b) Purpose. The purpose of this section is to reduce asthma and other health threats
5 from emissions of toxic chemicals from cleaning products used in schools, hospitals and other
6 health care facilities, day care centers, public buildings, and common areas of public housing.

7 (c) Definitions. For the purposes of this section the following words shall have the
8 following meanings:

9 “Cleaning product”, a product intended for use for routine cleaning, including but not
10 limited to general purpose cleaners, bathroom cleaners, glass cleaners, carpet cleaners,
11 disinfectants, floor care products, and hand soaps.

12 “Commissioner”, the commissioner of the department of public health.

13 “Day care center”, any public or private facility operated on a regular basis whether
14 known as a day nursery, nursery school, kindergarten, child play school, progressive school,
15 child development center or preschool, or known under any other name, which receives children

16 not of common parentage who are not more than six years of age, or who are not more than 21
17 years of age if such children have special needs, for nonresidential custody and care during part
18 or all of the day separate from their parents. Day care center shall not include: any part of a
19 public school system; any part of a private, organized educational system, unless the services of
20 such system are primarily limited to kindergarten, nursery or related preschool services;
21 periodic religious instruction classes conducted by a religious institution; a facility operated by a
22 religious organization where children are cared for during short periods of time while persons
23 responsible for such children are attending religious services; a family day care home; an
24 informal cooperative arrangement among neighbors or relatives; or the occasional care of
25 children with or without compensation.

26 “Environmentally preferable purchasing criteria,” means standards for evaluating
27 products such as those defined by the state Operational Services Division; such standards
28 include but are not limited to products which are not toxic to humans, and that do not contain
29 any ingredients which are carcinogens or which are known to cause reproductive toxicity, is not
30 corrosive to the skin or eyes, is not a sensitizer, is not combustible, does not contribute to the
31 production of photochemical smog, tropospheric ozone depletion, or poor indoor air quality, is
32 not toxic to aquatic life, does not contain more than 0.5% by weight of total phosphorus, and
33 which does exhibit biodegradability.

34 “Health care facility”, a health care facility as defined in section nine C of chapter one
35 hundred and twelve.

36 “Safer cleaning product”, a cleaning product which is listed on the Safer Cleaning
37 Product List established by the Department pursuant to this section.

38 “Hospital”, any hospital licensed under section fifty-one of chapter one hundred and
39 eleven, the teaching hospital of the University of Massachusetts Medical School and any
40 psychiatric facility licensed under section nineteen of chapter nineteen.

41 “Public building” means any building owned, occupied, or used by any public entity
42 including but not limited to the commonwealth and any county, city, town, or school district.

43 “Public housing”, any federal, state or municipally subsidized housing or housing
44 project.

45 “School”, any educational institution including but not limited to any public or private
46 elementary, middle, high school, junior college, college, university, school of medicine, or law
47 school.

48 (d) Product Restrictions. No cleaning product may be used in any school, hospital,
49 health care facility, day care center, public building, or common area of public housing in
50 Massachusetts unless said cleaning product is contained on the list of safer cleaning products
51 established by the commissioner pursuant to this section.

52 (e) Safer Cleaning Products List. No later than January 1 each even numbered year the
53 commissioner shall prepare and release to the public the safer cleaning products list. Said list
54 shall include only those cleaning products that:

55 (1) are determined to be an environmentally preferable product by the Massachusetts

56 Operational Services Division pursuant to the environmentally preferable purchasing
57 criteria; and

58 (2) do not contain ingredients that the commissioner has determined as asthma-causing agents

59 (asthmagens) unless a safer alternative is not available; the commissioner may consult

60 available sources such as the criteria for designating substances as occupational asthmagens

61 and the list of asthmagens prepared by the Association of Occupational and Environmental
62 Clinics in making such determinations;
63 (3) provided however that the commissioner shall establish, in consultation with representatives
64 of the administration and staff of a hospital or other health care facility, a separate list of the
65 safest alternative disinfectants which are applicable only for use in areas of hospitals or
66 health care facilities which require the application of special disinfectants for medical
67 reasons.

68 The commissioner shall annually review the safer cleaning products list and make
69 changes as necessary to ensure that the safest available cleaning products are on the list.

70 (f) Training and Field Testing.

- 71 (1) The commissioner shall establish a program to require the training of all cleaning personnel
72 in the use and disposal of the products on the safer cleaning products list in the field, at day
73 care centers, schools, hospitals, health care facilities, public buildings, and public housing
74 with the cooperation of the cleaning personnel who actually use and dispose the products in
75 the course of their employment.
- 76 (2) For purposes of developing the training program and confirming the safety and effectiveness
77 of products utilized under this program, the Commissioner shall also convene teams of
78 janitorial staff for schools, day care, hospitals, public housing, and all other state buildings,
79 supported by technical experts, property management, representatives of relevant trade
80 unions and other building occupants. Such teams will field test safer cleaning products and
81 proposed training guidelines and assist the Commissioner in confirming the safety and
82 effectiveness of cleaning products authorized under paragraph (e).

83 Based on the results of these teams, the Commissioner will develop training guidelines
84 for each of the four settings and develop a plan for implementation that ensures training for all
85 janitorial staff.

86 (g) Grant Program. The commissioner shall establish a grant program to train cleaning
87 personnel in the use of healthy cleaning products and to compensate the participating cleaning
88 personnel for their participation in the testing program.

89 (i) Accommodation of Chemically Sensitive Individuals. Nothing in this section shall
90 preclude an individual from requesting a facility to use or for a facility from using a cleaning
91 product not on the safer cleaning products list as an accommodation to a person who is
92 chemically sensitive.

93 (j) Reasonable Fee. The commissioner shall require manufacturers of cleaning products
94 to pay a reasonable fee to cover the costs for the department to collect and review the requested
95 information, to develop and maintain the safer cleaning products list, and to conduct the field
96 testing program.

97 (k) Penalties. Any facility manager or owner who uses a cleaning product in violation of
98 this act shall be punished by a fine of not less than five hundred dollars nor more than one
99 thousand dollars. Any person who sells, or distributes a cleaning product in violation of this act
100 shall be punished by a fine of not less than one thousand dollars and not more than twenty-five
101 thousand dollars for each twenty-four hour period during which such violation occurs. The
102 department of public health may seize any cleaning product held for sale or distribution in
103 violation of this section. The seized cleaning product shall be forfeited.

104 SECTION 2. Section 1 shall take effect one year from the date of enactment.

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in the General Court assembled.

The undersigned, citizen of _____, respectfully petitions for the passage of the accompanying bill and for legislation.

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| Second Suffolk