

HOUSE No. 4481

The Commonwealth of Massachusetts

Mr. Sánchez of Boston, for the committee on Public Health, on Senate, No. 816 and House, No. 2161, a Bill to require environmentally safe alternatives to harmful cleaning products (House, No. 4481). February 8, 2010.

An Act TO REQUIRE ENVIRONMENTALLY SAFE ALTERNATIVES TO HARMFUL
CLEANING PRODUCTS.

FOR THE COMMITTEE:

NAME:

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The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

An Act TO REQUIRE ENVIRONMENTALLY SAFE ALTERNATIVES TO HARMFUL CLEANING PRODUCTS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Chapter 111 of the General Laws is hereby amended following section 5R by inserting the following section:

Section 5S.

(a) Title. This section shall be referred to as "The Safer Cleaning Products Act"

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

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

"Cleaning product", a product intended for use for routine cleaning, including but not limited to general purpose cleaners, bathroom cleaners, glass cleaners, carpet cleaners, floor care products, and handsoaps.

"Cleaning product" does not apply to disinfectants or sanitizers regulated by the US EPA under the Federal Insecticide, Fungicide and Rodenticide Act (7 U.S.C. Sec. 136 et seq.) or as required by other federal or state regulations.

"Commissioner", the commissioner of the department of public health.

"Day care center", any public or private facility operated on a regular basis whether known as a day nursery, nursery school, kindergarten, child play school, progressive school, child development center or preschool, or known under any other name, which receives children not of common parentage who are not more than six years of age, or who are not more than 21 years of age if such children have special needs, for nonresidential custody and care during part or all of the day separate from their parents. Day care center shall not include: any part of a public school system; any part of a private, organized educational system, unless the services of such system are primarily limited to kindergarten, nursery or related preschool services; periodic religious instruction classes conducted by a religious institution; a facility operated by a religious organization where children are cared for during short periods of time while persons responsible for such children are attending religious services; a family day care home; an informal cooperative arrangement among neighbors or relatives; or the occasional care of children with or without compensation.

"Environmentally preferable purchasing criteria", refers to the use of standards for evaluating products that have been established by reputable third-party certifying organizations as specified by the Operational Services Division (OSD) in Massachusetts' statewide contracts for safer cleaning products and related services. Such products shall be certified to show that, among other things, they are not toxic to humans and aquatic life, and do not contain any ingredients which are carcinogens or which are known to cause reproductive toxicity; are not corrosive to the skin or eyes, not a sensitizer, not combustible, and do not contribute to the production of photochemical smog, tropospheric ozone depletion, or poor indoor air quality; such products may not contain heavy metals or contain greater than 0.5% by weight of total phosphorus, and they shall exhibit ready biodegradability.

"Safer cleaning product", a cleaning product which is in compliance with the environmentally preferable purchasing criteria indicated above.

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

"Public housing", any federal, state or municipally subsidized housing or housing project.

"School", any educational institution including but not limited to any public or private elementary, middle, high school, junior or community college, college, university, school of medicine, or law school.

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

(e) Safer Cleaning Products List. A list of the safer cleaning products available for purchase under Massachusetts' statewide contracts shall be accessible at www.comm-PASS.com and at other websites referenced in the state contracts containing these products. The commissioner, or designated representative, shall periodically review the safer cleaning products list and in collaboration with OSD and other appropriate agencies, make changes as necessary to ensure that the safest available cleaning products are on the list.

(f) Training. The division of occupational safety, in consultation with the department shall develop guidelines for the training of all cleaning personnel in the use and disposal of the products on the safer cleaning products list in the field, at day care centers, schools, public buildings, and public housing with the cooperation of the cleaning personnel who actually use and dispose of the products in the course of their employment and work with agencies and others to ensure their knowledge and implementation of such guidelines.

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

(h) Penalties. Any facility manager or owner who uses a cleaning product in violation of this act shall be punished by a fine of not less than five hundred dollars nor more than one thousand dollars. Any person who sells, or distributes a cleaning product in violation of this act shall be punished by a fine of not less than one thousand dollars and not more than twenty-five thousand dollars for each twenty-four hour period during which such violation occurs.

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