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H.349

Introduced by Representatives Fisher of Lincoln, French of Randolph,

Mrowicki of Putney, Pearson of Burlington, Sharpe of Bristol

and Wizowaty of Burlington

Referred to Committee on

Date:

Subject: Health; cleaning products; schools

Statement of purpose: This bill proposes to protect the health of the public by  
requiring safer cleaning products in schools.

An act relating to protecting public health by the use of safer cleaning  
products in schools

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

Sec. 1. 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  
preparation used to mask odors or freshen the air in a room.

1           (2) “Antimicrobial pesticide” means a substance or a mixture of  
2           substances used to destroy or suppress the growth of harmful microorganisms  
3           such as bacteria, viruses, or fungi on surfaces and inanimate objects.

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

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

9           (5) “Environmentally preferable cleaning product” means a cleaning  
10           product that has a less negative effect on human health and the environment  
11           when compared to competing products serving the same purpose.

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

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

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

20                   (B) identify any potential conflicts of interest;

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

4           (D) develop certification standards in an open, public, and  
5           transparent manner that involves the public and key stakeholders, and

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

9                   (ii) monitor and enforce the standards, have the authority to  
10          inspect the manufacturing facility and periodically do so, and have a registered  
11          or legally protected certification mark; and

12                   (iii) make the standards easily accessible to purchasers and  
13          manufacturers.

14          (8) "School" means:

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

17                   (B) A prekindergarten education program that enrolls children  
18          included in a school district's average daily membership; and

19                   (C) An approved independent school.

1        § 1782. ENVIRONMENTALLY PREFERABLE CLEANING PRODUCTS

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

6            (b) A school district shall ensure that only environmentally preferable  
7        cleaning products certified by an independent third party, when available, are  
8        used to clean schools within its jurisdiction and shall not purchase or allow the  
9        use of air fresheners in a school. Antimicrobial pesticides are excluded from  
10       the requirements of this subsection.

11           (c) If there is no certification standard by an independent third party for a  
12        particular type of cleaning product, a school shall request from the department  
13        of buildings and general services a list of environmentally preferable products  
14        included in state contracts and use a product from the list.

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

19        § 1783. VIOLATIONS

20           (a) A representative for a distributor or manufacturer of cleaning products  
21        who sells or distributes a cleaning product in violation of this act shall be

1 punished by a fine of no less than \$1,000.00 and no more than \$25,000.00 for  
2 each violation.

3 (b) A school district violating this act shall be fined no less than \$100.00  
4 and no more than \$500.00 for each violation. It shall not be a violation for a  
5 school to use cleaning products purchased prior to July 1, 2011 after that date  
6 until such products are depleted.

7 (c) After July 1, 2011, the department may seize any cleaning product  
8 found at a school that is not an environmentally preferable cleaning product.  
9 The seized cleaning product shall be forfeited.

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

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

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

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

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

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

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

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

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

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

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

17                 (A) a list of environmentally preferable cleaning products certified by  
18 an independent third party or links to the third party's website if available or  
19 both; and

20                 (B) procedures for using environmentally preferable cleaning  
21 products or links to a third-party website or both;

1           ~~(5)~~(6) The model school environmental health policy and management  
2 plan developed pursuant to Sec. 3 of this act.

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

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

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

12           (3) Annually, organize a school environmental health training workshop  
13 for school environmental health coordinators and school administrators, and an  
14 annual training for school maintenance and custodial staff. The workshop  
15 shall include instruction on how to operate a green cleaning program, including  
16 products and practices. The department shall issue certificates of training to  
17 participants who successfully complete the workshops.

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

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

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

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

13           (B) Beginning January 1, 2012, report annually to the house and  
14 senate committees on education on each school's level of satisfaction with  
15 the environmentally preferable cleaning products, on the number of schools  
16 which have depleted their existing inventory of conventional cleaning  
17 products, and on violations of this act.

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

1       Sec. 3. EFFECTIVE DATE

2           This act shall become effective for cleaning products purchased, sold, or  
3       distributed on or after July 1, 2011.