

HOUSE No. 4414

The Commonwealth of Massachusetts

**In the One Hundred and Eighty-Ninth General Court
(2015-2016)**

An Act relative to improving asthma in schools.

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

1 Chapter 111 of the General Laws, as appearing in the 2014 Official Edition, is hereby
2 amended by inserting after section 5S the following section:-

3 Section 5T. (a) As used in this section, the following words shall, unless the context
4 clearly indicates otherwise, have the following meanings:-

5 "Cleaning product", a product intended for use for routine cleaning, including but not
6 limited to general purpose and all-purpose cleaners, glass, carpet, and bathroom cleaners,
7 appliance cleaners, and floor and carpet care products (cleaner, finisher, polisher, and stripper);
8 but shall not apply to disinfectants or sanitizers regulated by the United States Environmental
9 Protection Agency under the Federal Insecticide, Fungicide and Rodenticide Act 7 U.S.C.
10 section 136 et seq. or as required by other federal or state regulations or antimicrobial hand soaps
11 regulated by the Food and Drug Administration.

12 "Department", department of public health.

13 “Environmentally preferable products and services”, cleaning products or services that
14 perform effectively and have a lesser or reduced effect on human health and the environment
15 when compared to competing products or services that serve the same purpose.

16 “Environmentally preferable purchasing criteria”, standards for evaluating products that
17 have been established by reputable third-party certifying organizations as specified by the
18 operational services division in the commonwealth’s statewide contract for environmentally
19 preferable cleaning products, programs, equipment, and supplies. The department shall rely on
20 multiple third-party certifying organizations, including, at a minimum, the United States
21 Environmental Protection Agency’s Design for the Environment (DfE) program, EcoLogo, and
22 GreenSeal.

23 "HEPA vacuums", a high-efficiency particulate air filter vacuuming device.

24 “Public school”, an elementary, secondary, high, charter or innovation school operated
25 by a public school district or board of trustees pursuant to chapter 71.

26 (b) (1) The department shall recommend a public school with a pediatric asthma
27 prevalence of 20 per cent or higher, or the highest quartile of pediatric asthma prevalence, to
28 develop an indoor air quality management plan that describes the measures to be taken to
29 provide good and improved indoor air quality to reduce the levels of indoor air pollutants
30 through preventive measures to promote a comfortable and healthy learning and working
31 environment; plan objectives may include, but are not limited to: (i) routine maintenance
32 activities; (ii) periodic building evaluations and inspections; (iii) maintenance of adequate air
33 exchanges by repairing and maintaining ventilation equipment; and (iv) effectively
34 communicating corrective steps to all interested parties. Any indoor air quality management plan

35 shall include the use of HEPA vacuums which shall be specified in any cleaning contract entered
36 into by a public school for the purposes of implementing the air quality management plan.

37 (2) A public school under this subsection shall be recommended to create an
38 environmental health committee that shall consist of the school superintendent or designee,
39 school superintendent assistant or designee, the facilities or custodial director or designee, the
40 indoor integrated pest management coordinator or designee, a school nurse, a teacher, and a
41 parent; provided that the committee may consist of other health professionals, local government
42 agencies, community organizations, asthma coalitions, and others as appropriate in the
43 assessment of current conditions and operations and in the development of strategies to improve
44 indoor asthma triggers in schools and to protect the health of students, faculty, and staff. The
45 committee shall be trained with expertise to assess current school building conditions and
46 operations. The committee shall develop an indoor air quality management plan to improve
47 indoor asthma triggers in schools and to protect the health of students, faculty, and staff. The
48 committee shall sponsor activities to engage the school and community to raise awareness of the
49 importance of asthma and environmental triggers. The committee may secure financial
50 assistance through grants or other revenue sources to address environmental concerns. The
51 department shall develop a school indoor air quality training program to educate the committee
52 members on how to identify problems, develop methods to improve indoor air quality, and
53 implement an indoor air quality management plan. The objectives of any air quality
54 management plan developed by the committee may include but are not limited to (i) routine
55 maintenance activities; (ii) periodic building evaluations and inspections; (iii) maintenance of
56 adequate air exchanges by repairing and maintaining ventilation equipment; and (iv) effectively
57 communicating corrective steps to all interested parties. Any indoor air quality management plan

58 developed by the committee shall include the use of HEPA vacuums which shall be specified in
59 any cleaning contract entered into by a public school for the purposes of implementing the air
60 quality management plan.

61 (c) (1) Beginning September 1, 2017, cleaning products shall not be used in any public
62 school unless the cleaning product meets environmentally preferable purchasing criteria. A
63 public school may purchase environmentally preferable products and services through statewide
64 contract vendors or through outside vendors; provided that such vendor meets environmentally
65 preferable purchasing criteria.

66 (2) A public school under this subsection shall report environmentally preferable cleaning
67 products and services purchased to the department, including but not limited to vendor,
68 manufacturer name, and product name.

69 (3) An individual who attends or works in a public school who experiences adverse
70 health effects from allergic or hypersensitivity reaction from exposure to the environmentally
71 preferable products and services in use pursuant to this section may request, and the facility may
72 utilize, other suitable materials as determined by the individual and provided by the facility. The
73 request shall be placed in writing and a copy shall be sent to the commissioner.

74 (4) The department shall recommend a public school with a pediatric asthma prevalence
75 of 20 per cent or higher, or the highest quartile of pediatric asthma prevalence, to purchase
76 environmentally preferable cleaning products and services that are approved by the United States
77 Environmental Protection Agency.

78 (d) The superintendent or designee, facilities/custodial director or designee, indoor
79 integrated pest management coordinator or designee, and janitorial staff shall be trained in the

80 use of environmentally preferable products and services prior to implementation of this section
81 in a public school. Vendors of environmentally preferable products and services that are not
82 contracted with the state but are purchased by a public school shall have trained staff and
83 necessary tools for such training.