

HOUSE No. 00624

The Commonwealth of Massachusetts

PRESENTED BY:

Frank I. Smizik

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

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act to require environmentally safe alternatives to harmful cleaning products.

□.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Frank I. Smizik</i>	<i>15th Norfolk</i>
<i>Marc R. Pacheco</i>	<i>First Plymouth and Bristol</i>
<i>Christine E. Canavan</i>	<i>10th Plymouth</i>
<i>Byron Rushing</i>	<i>9th Suffolk</i>
<i>Brian Ashe</i>	<i>2nd Hampden</i>
<i>Cleon H. Turner</i>	<i>1st Barnstable</i>
<i>Carl M. Sciortino, Jr.</i>	<i>34th Middlesex</i>
<i>Jason M. Lewis</i>	<i>31st Middlesex</i>
<i>Carlos Henriquez</i>	<i>5th Suffolk</i>
<i>Sean Garballey</i>	<i>23rd Middlesex</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>
<i>Cory Atkins</i>	<i>14th Middlesex</i>
<i>Sal N. DiDomenico</i>	<i>Middlesex, Suffolk, and Essex</i>
<i>Sarah K. Peake</i>	<i>4th Barnstable</i>
<i>Cynthia S. Creem</i>	<i>First Middlesex and Norfolk</i>
<i>Lori A. Ehrlich</i>	<i>8th Essex</i>

<i>William N. Brownsberger</i>	<i>24th Middlesex</i>
<i>Peter V. Kocot</i>	<i>1st Hampshire</i>
<i>Geraldo Alicea</i>	<i>6th Worcester</i>
<i>Alice K. Wolf</i>	<i>25th Middlesex</i>
<i>Angelo J. Puppolo, Jr.</i>	<i>12th Hampden</i>
<i>Patricia D. Jehlen</i>	<i>Second Middlesex</i>
<i>Steven A. Tolman</i>	<i>Second Suffolk and Middlesex</i>
<i>Cheryl A. Coakley-Rivera</i>	<i>10th Hampden</i>
<i>Ruth B. Balsler</i>	<i>12th Middlesex</i>
<i>Paul J. Donato</i>	<i>35th Middlesex</i>
<i>Tom Sannicandro</i>	<i>7th Middlesex</i>
<i>Susan C. Fargo</i>	<i>Third Middlesex</i>
<i>Antonio F. D. Cabral</i>	<i>13th Bristol</i>
<i>Louis L. Kafka</i>	<i>8th Norfolk</i>
<i>Ellen Story</i>	<i>3rd Hampshire</i>
<i>John Mahoney</i>	<i>13th Worcester</i>
<i>Timothy J. Toomey, Jr.</i>	<i>26th Middlesex</i>
<i>Jonathan Hecht</i>	<i>29th Middlesex</i>
<i>Alice Hanlon Peisch</i>	<i>14th Norfolk</i>

HOUSE No. 00624

By Mr. Smizik of Brookline, petition (accompanied by Bill, House, No. 00624) of Frank I. Smizik and others for legislation to require environmentally safe alternatives to harmful cleaning products. Joint Committee on Public Health.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE
□ HOUSE
□ , NO. 4481 OF 2009-2010.]

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

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:

1 Be it enacted by the Senate and House of Representatives in General Court assembled, and by

2 the authority of the same, as follows:

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

4 inserting the following section:

5 Section 5S.

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

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

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

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

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

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

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

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

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

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

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

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

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

52 (1) are determined to be an environmentally preferable product by the Massachusetts Operational
53 Services Division pursuant to the environmentally preferable purchasing criteria; and

54 (2) do not contain ingredients that the commissioner has determined as asthma-causing agents
55 (asthmagens) unless a safer alternative is not available; the commissioner may consult available
56 sources such as the criteria for designating substances as occupational asthmagens and the list of
57 asthmagens prepared by the Association of Occupational and Environmental Clinics in making
58 such determinations;

59 (3) The commissioner shall annually review the safer cleaning products list and make changes as
60 necessary to ensure that the safest available cleaning products are on the list.

61 (f) Training. The division of occupational safety, in consultation with the commissioner, shall
62 establish a program to require the training of all cleaning personnel in the use and disposal of the
63 products on the safer cleaning products list in the field, at day care centers, schools, public
64 buildings, and public housing with the cooperation of the cleaning personnel who actually use
65 and dispose of the products in the course of their employment. Furthermore, the division of
66 occupational safety will develop training guidelines and develop a plan for implementation that
67 ensures training for all custodial staff.

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

71 (h) Reasonable Fee. The commissioner shall require manufacturers of cleaning products to pay a
72 reasonable fee to cover the costs for the department to collect and review the requested
73 information, to develop and maintain the safer cleaning products list, and to support training
74 programs established by the division of occupational safety according to subsection (f).

75 (i) Penalties. Any facility manager or owner who uses a cleaning product in violation of this act
76 shall be punished by a fine of not less than five hundred dollars nor more than one thousand
77 dollars. Any person who sells, or distributes a cleaning product in violation of this act shall be
78 punished by a fine of not less than one thousand dollars and not more than twenty-five thousand
79 dollars for each twenty-four hour period during which such violation occurs. The department of
80 public health may seize any cleaning product held for sale or distribution in violation of this
81 section. The seized cleaning product shall be forfeited.

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