

HOUSE No.

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:
Frank I. Smizik	15th Norfolk
John J. Binienda	17th Worcester
William N. Brownsberger	24th Middlesex
Geraldine Creedon	11th Plymouth
Steven J. D'Amico	4th Bristol
Paul J. Donato	35th Middlesex
Christopher G. Fallon	33rd Middlesex
Patricia A. Haddad	5th Bristol
Louis L. Kafka	8th Norfolk
Peter v. Kocot	1st Hampshire
Stephen Kulik	1st Franklin
Barbara A. L'Italien	18th Essex
Matthew C. Patrick	3rd Barnstable
Sarah K. Peake	4th Barnstable
Denise Provost	27th Middlesex
Michael F. Rush	10th Suffolk
Tom Sannicandro	7th Middlesex
Ellen Story	3rd Hampshire
Alice K. Wolf	25th Middlesex

Bill Bowles

2nd Bristol

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 2246 OF 2007-2008.]

The Commonwealth of Massachusetts

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In the Year Two Thousand and Nine
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**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 SECTION 1. Chapter 111 of the General Laws is hereby amended following section 5R by inserting the
2 following section:

3

4 Section 5S.

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

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

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

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

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

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

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

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

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

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

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

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

- 51 (2) do not contain ingredients that the commissioner has determined as asthma-causing agents
52 (asthmagens) unless a safer alternative is not available; the commissioner may consult available
53 sources such as the criteria for designating substances as occupational asthmagens and the list of
54 asthmagens prepared by the Association of Occupational and Environmental Clinics in making such
55 determinations;
- 56 (3) The commissioner shall annually review the safer cleaning products list and make changes as
57 necessary to ensure that the safest available cleaning products are on the list.

58
59 (f) Training. The division of occupational safety, in consultation with the commissioner, shall
60 establish a program to require the training of all cleaning personnel in the use and disposal of the
61 products on the safer cleaning products list in the field, at day care centers, schools, public buildings,
62 and public housing with the cooperation of the cleaning personnel who actually use and dispose of the
63 products in the course of their employment. Furthermore, the division of occupational safety will
64 develop training guidelines and develop a plan for implementation that ensures training for all custodial
65 staff.

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

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

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

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

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