

Considerations for Model Bill Text

Requiring the Use of Green Cleaning Products in Schools

developed by

The National Collaborative Work Group on Green Cleaning and Policy Reform in Schools

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Green cleaning is growing in popularity. Two states required the use of green cleaning products in schools (NYS-2005 and Illinois- 2007).. States and cities are increasingly considering various executive orders, legislative mandates, directives for best practices, and chemical policy reforms banning specific substances or creating green chemistry and pollution prevention initiatives, such as buying green and green cleaning.

The purpose of this document is to provide guidance on model bill text for consideration by NGO's and public agencies promoting state/city legislation for green cleaning. As the field develops, the Work Group will update this memo as needed. For an in-depth background and strategy discussion with experienced policy advocates, please contact the Work Group.

Core elements:

Define the scope and timing of implementing the law or program:

- The legislative intent should speak to children's special vulnerabilities, exposure of school staff to chemicals, and the problem of release of chemicals to the environment (Example: see NYS bill intent. See Appendix to CleaningforHealthySchools.org).
- The state/city regulations or guidelines shall be followed by both private and public elementary and secondary schools; an effective date shall be identified
- The responsible state/city agency (s) must be identified that will develop the implementation regulations or guidelines, maintain a sample list of products, and disseminate compliance information to all elementary and secondary schools. (Example: see NYS bill text).
- Option: If childcare centers are to be addressed, separate legislative approval may be required, because childcare facilities may not be under the education agency.

Define what "green products" and/or "environmentally preferable products" are; define green cleaning.

One definition used for green cleaning is that it is an approach to facility maintenance that puts health first by promoting effective cleaning through the use of less toxic cleaning products, state of the art cleaning practices, and advanced technology to clean buildings while protecting the environment and the health of children, workers and other building occupants (From [Cleaning for Healthy Schools Toolkit, Module 1](#)).

“Environmentally Preferable” is defined by the Federal government in Executive Order 13101:

“ “Environmentally preferable” means products or services that have a lesser or reduced effect on human health and the environment when compared with competing products or services that serve the same purpose. This comparison may consider raw materials acquisition, production, manufacturing, packaging, distribution, reuse, operation, maintenance, or disposal of the product or service.”

To specifically include children, the New York State-enacted law states: "Environmentally-sensitive cleaning and maintenance products" means those cleaning and maintenance products that minimize adverse impacts on children's health and the environment.

The bill should also specify the **types of cleaning products** addressed in the policy: general all purpose cleaning products, including floor cleaners and floor finishes, cleaners for carpets, walls, desks, lavatories, and windows; hand soaps and hand sanitizers; paper towels. Room deodorizers/air fresheners and toilet deodorizers should be prohibited. Review the websites of two international independent third-party certification organizations-- Green Seal and Terra Choice-- to see the types of cleaning products those organizations certify.

Define how the state/city agency should decide which products are ‘green’.

A-The bill may mandate use of **Third Party Certified (TPC)** products. TPC means that cleaning products have been certified by an established and legitimate, nationally-recognized program developed for the purpose of identifying environmentally preferable products. Any such TPC certification program shall:

- Have an open, transparent process for setting standards that involves the public and key stakeholders
- Clearly define the fees a manufacturer must pay for certification;
- Clearly identify any potential conflicts of interest;
- Have criteria for certification that are publicly available and transparent;
- Base certification on consideration of human health and safety, ecological toxicity, other environmental impacts, and resource conservation, as appropriate, for the product and its packaging, on a life cycle basis;
- Require periodic revisions and updates of the standards;
- Monitor and enforce the standards, provide for the authority to inspect the manufacturing facilities, and periodically do so;
- Have a registered/legally protected certification mark;
- Make the standards easily accessible to purchasers and manufacturers (e.g. available for download on the program’s website);
- Be developed by consensus, if possible;
- Establish leadership levels in standards for products.

B- If the bill text does not require the use of “Third Party Certified” products as written above, the text should identify the state/city agency or agencies responsible for identifying green products and how the agency shall establish guidelines and specifications for environmentally-preferable cleaning and maintenance products for use in elementary and

secondary school facilities. The bill should describe the process the agency(s) will use, paralleling the processes used by leading Third Party Certifiers, and including:

- The frequency with which guidelines should be updated;
- A revision process that reviews and evaluates existing research, standards, and guidelines regarding environmentally-preferable cleaning and maintenance products, including, but not limited to, research and guidance issued by the United States Environmental Protection Agency, the Office of the Federal Environmental Executive, and independent third party certification organizations, among others, in order to develop such guidelines;
- The lead agency(s) will consult with the state agencies for health, environment, and education, as well as other relevant state agencies and other stakeholders in developing the guidelines;
- A procedure to provide public notice and an opportunity to comment on guidelines prior to their adoption.

Designate the lead state/city agency(s) responsible for administering the development of product specifications or guidelines and the program, including the following required activities:

- Dissemination of requirements and guidelines to all elementary and secondary schools;
- Identification of the elementary and secondary school personnel who will receive the regulations, guidelines, specifications, and product list;
- Maintaining a list of environmentally-preferable cleaning and maintenance products that meet the established regulations, guidelines or specifications. The sample TPC purchasing specifications should be made available to all state agencies, schools, and child care centers.
- Maintaining a list of contractors which produce, manufacture, or offer for sale environmentally-preferable cleaning and maintenance products in the form, function, and utility generally used by elementary and secondary schools.

Additional elements to be addressed:

1-The bill should include a clause on **training requirements** to ensure employees receive training about new products and procedures and are paid for the training time. For example, a state health agency can develop a curriculum or outline for training that schools can use.

2-The bill should determine a date by when a **report providing an analysis of the impact** of the guidelines and specifications on the purchasing, procurement, and use of environmentally-preferable cleaning and maintenance products by elementary and secondary schools is to be complete. The report should include information about costs, occupational accidents, attendance, and avoided pollution, if possible.

3-The bill should allow schools to **deplete existing supplies, establish an effective date for the law**, and identify a **date by which schools must implement the use** green cleaning products.

4-**Ban the use of room deodorizers/air fresheners and toilet deodorizers**

Options for strengthening a state/city bill:

1. Adopt a **Penalty**. Establish an enforcement mechanism that defines the amount of a fine, the agency responsible for enforcement, and the individual or agency who would receive the fine should cleaning products be used in schools that do not conform to the established guidelines after the effective date of the law.
2. Create **incentives** (along with or in place of penalties). Incentive programs can be designed to offer incentive grants, rebates, or discounts to schools to implement green cleaning or purchase some kinds of equipment. Future fees from non-compliance could be contributed to incentive programs.
3. Authorize a state agency (e.g., Department of Health, Department of Education) to **seize** any cleaning product found at a school in violation of this act. The seized cleaning product shall be forfeited.
4. Offer **Technical Assistance**. Identify (or contract out) an agency that will provide technical assistance such as school facility audits.
5. **State/city contracts**. Encourage the state procurement agency to offer green janitorial products that comply with the guidelines via state procurement contracts. Encourage schools to utilize state or regional purchasing contracts for janitorial products to generate bulk purchasing discounts.
6. Procure only environmentally preferable **disinfectants**, if and when such disinfectants are identified and become readily available. (Note: EPA set up a study group fall 2008 to consider EPP disinfectants).
7. Allow an **accommodation waiver** in order to provide protection for staff and school children who still may be sensitive to a green-rated product. The bill could allow an individual who works or occupies a regulated building to request [and the facility to utilize] an alternative cleaning product if the individual experiences adverse health effects from allergic or hypersensitivity reactions due to exposure to a listed product.

FOOTNOTES

Sources: The above considerations are based on bills successfully enacted in the states of New York and Illinois, bills introduced in Massachusetts and California, Work Group discussions, advice from Green Seal and Terra Choice (Eco-Logo), and policy features outlined by the Environmental Law Institute in its 2007 green cleaning policy memo.

Certifiers: Caveat Emptor- "let the buyer beware". There are many new 'certifiers' for green products, but not all qualify as independent third party certification organizations. At this time, US EPA's Design for the Environment program operations do not make it a Third Party Certifier, although its logo may appear on some products.