



GOV. MSG. NO. 845

EXECUTIVE CHAMBERS  
HONOLULU

LINDA LINGLE  
GOVERNOR

July 15, 2009

The Honorable Colleen Hanabusa, President  
and Members of the Senate  
Twenty-Fifth State Legislature  
State Capitol, Room 409  
Honolulu, Hawaii 96813

Dear Madam President and Members of the Senate:

I am transmitting herewith HB1538 HD1 SD1, without my approval, and with the statement of objections relating to the measure.

HB1538 HD1 SD1

A BILL FOR AN ACT  
RELATING TO ENVIRONMENTALLY-SENSITIVE  
PRODUCTS.

Sincerely,

A handwritten signature in black ink, appearing to read "Linda Lingle".

LINDA LINGLE

EXECUTIVE CHAMBERS

HONOLULU

July 15, 2009

STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 1538

Honorable Members  
Twenty-Fifth Legislature  
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, House Bill No. 1538, entitled "A Bill for an Act Relating to Environmentally-Sensitive Products."

The purpose of this bill is to require the Department of Education to give first preference, where feasible, to the purchase of environmentally-sensitive cleaning and maintenance products, approved by Green Seal, for use at public school facilities. It also requires the Department of Health to develop and maintain a list of Green Seal approved products for use as a first preference guideline by the Department of Education.

Although the intent of this bill has merit, the bill is objectionable because it gives first preference to products certified by a single private organization--Green Seal. Unlike similar legislation adopted by other states, this bill does not include the more comprehensive and scientifically reliable certifications granted by the U. S. Environmental Protection Agency. It is preferable for the State to use federal guidelines and certifications, particularly when they pertain to health and safety issues.

Secondly, the purchase preference created in this bill cannot be applied to disinfectants, which are commonly used in schools to protect students, teachers, and staff from the spread of infectious diseases.

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HOUSE BILL NO. 1538  
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Additionally, the bill uses a procurement preference which is not recognized in the State procurement code or in procurement regulations, making the Department of Education's purchasing decisions subject to legal challenge.

For the foregoing reasons, I am returning House Bill No. 1538 without my approval.

Respectfully,

A handwritten signature in black ink, appearing to read "L. Lingle", written over the printed name.

LINDA LINGLE  
Governor of Hawaii

# VETO

HOUSE OF REPRESENTATIVES  
TWENTY-FIFTH LEGISLATURE, 2009  
STATE OF HAWAII

H.B. NO. 1538  
H.D. 1  
S.D. 1

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## A BILL FOR AN ACT

RELATING TO ENVIRONMENTALLY-SENSITIVE PRODUCTS.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1       SECTION 1. Chapter 302A, Hawaii Revised Statutes, is  
2       amended by adding a new section to be appropriately designated  
3       and to read as follows:

4       "§302A-       Environmentally-sensitive cleaning and  
5       maintenance products for use in public schools.   The department  
6       of education shall require that all public school facilities  
7       give first preference, where feasible, to the purchase and use  
8       of environmentally-sensitive cleaning and maintenance products  
9       that have been approved by the Green Seal program pursuant to  
10      section 321-   , for use in public school facilities:

11       (1)   To clean hard surfaces in bathrooms such as counters,  
12       walls, floors, fixtures, basins, tubs, or tile;

13       (2)   To eliminate dirt and stains on rugs and carpeting;

14       (3)   For routine cleaning of hard surfaces, including  
15       impervious flooring such as concrete or tile; provided  
16       that this category shall not include:

17       (A)   Products intended primarily to strip, polish, or  
18       wax floors; or

(B) Cleaners intended primarily for cleaning toilet  
bowls, dishes, laundry, upholstery, or wood;

(4) To clean glass, windows, mirrors, or metallic or  
polished surfaces;

(5) For routine, non-specialized hand cleaning;

(6) Paper towels or other paper used for cleaning;

provided that this category shall not include toilet  
paper, facial tissue, or paper towels used for drying  
hands; and

(7) Other categories as identified in the department of  
health."

SECTION 2. Chapter 321, Hawaii Revised Statutes, is  
amended by adding a new section to be appropriately designated  
and to read as follows:

**"§321- Environmentally-sensitive cleaning and  
maintenance products for use in public schools; approved list of  
products.** (a) The department of health shall maintain a list  
of products that have been approved by the Green Seal program  
for public school facilities to use as a first preference  
guideline when purchasing and using environmentally-sensitive  
cleaning and maintenance products; provided that the department

1 may add or remove any product from the list as deemed necessary  
2 by the director.

3 (b) The department shall review and evaluate existing  
4 research regarding environmentally-sensitive cleaning and  
5 maintenance products, including any research and guidance issued  
6 by the United States Environmental Protection Agency."

7 SECTION 3. New statutory material is underscored.

8 SECTION 4. This Act shall take effect upon its approval.