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In reply, please refer to:
File:

COMMITTEE ON FINANCE

H.B. 1538, Relating to Environmentally-Sensitive Products

Testimony of Chiyome Leinaala Fukino, M.D. Director of Health

March 4, 2009

1 **Department's Position:** The Department appreciates the intent of HB 1538, but opposes its passage for
2
3 reasons of timing and economy.

4
5 **Fiscal Implications:** Unquantified. Resources will be needed to implement this bill.

6 **Purpose and Justification:** HB 1538 requires public schools to use environmentally-sensitive cleaning
7 and maintenance products, requires the Department of Health to establish guidelines and specifications
8 for the products and requires the state procurement office to maintain a list of vendors who produce,
9 manufacture, or sell environmentally-sensitive products.

10 The Department supports identifying cleaning and maintenance products that minimize any adverse
11 impact on children's health and the environment while remaining sufficiently effective to clean and
12 properly disinfect school facilities. Using ineffective chemicals may shorten the life of restroom
13 facilities and possibly expose children to dangerous bacteria and viruses.

14 Currently, EPA does not allow antimicrobial products (such as disinfectants, disinfecting cleaners,
15 sanitizers) regulated by the Federal Insecticide, Fungicide and Rodenticide Act (7 U.S.C. Sec. 136 et

1 seq.) in making “green” claims. Determining which products may properly make such claims may be
2 more effectively handled through some national program of green certifications.

3 Given the current difficult fiscal conditions, the burden of maintaining guidelines, specifications,
4 and a list of environmentally-sensitive cleaning and maintenance products would be more effectively
5 left to EPA or national organizations, rather than to Hawaii State government agencies.

6 Thank you for the opportunity to testify on this matter.

LINDA LINGLE
GOVERNOR

AARON S. FUJIOKA
ADMINISTRATOR



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**TESTIMONY
OF
AARON S. FUJIOKA
ADMINISTRATOR
STATE PROCUREMENT OFFICE**

**TO THE
HOUSE COMMITTEE
ON
FINANCE**

March 4, 2009

10:00 AM

HB 1538

RELATING TO ENVIRONMENTALLY-SENSITIVE PRODUCTS.

Chair Oshiro, Vice-Chair Lee and committee members, thank you for the opportunity to testify on HB 1538.

The State Procurement Office (SPO) submits testimony in opposition, limited to SECTION 1, calling for the SPO to maintain a list of contractors that produce, manufacture, or sell environmentally-sensitive cleaning and maintenance products that can be used by public schools. Compiling and maintaining such a listing would not serve any purpose to purchasing agencies, other than as a product or company endorsement. This list would be perceived as an approved list by SPO that may be used to obtain these products or services even though purchasing agencies would still be required to conduct an appropriate procurement.

The SPO price and vendor list contracts are the result of competitive procurements and used by the various state and county agencies including the Department of Education for a variety of products. For instance, current SPO price and vendor list products include recycled plastic trash bags, a variety of recycled paper products, compact fluorescent lamps (CFL), and 'green' products.

Also, the SPO does not endorse vendors, contractors, service providers or any services or products as it would be inappropriate for SPO to do so.

The SPO recommends SECTION 1 be deleted. Thank you.

Date: 03/04/2009

Committee: House Finance

Department: Education

Person Testifying: Patricia Hamamoto, Superintendent of Education

Title of Bill: HB 1538 (HSCR458) RELATING TO ENVIRONMENTALLY-SENSITIVE PRODUCTS.

Purpose of Bill: Requires public schools to use environmentally-sensitive cleaning and maintenance products. Directs the department of health to establish guidelines and specifications for the products. Requires the state procurement office to maintain a list of vendors who produce, manufacture, or sell environmentally-sensitive products.

Department's Position: The Department supports House Bill 1538 which requires public schools to use environmentally-sensitive cleaning and maintenance products. The challenge in implementing this bill will be to identify and maintain a current list of cleaning and maintenance products that minimize any adverse impact on children's health and the environment but are still strong enough to effectively clean and properly disinfect our school facilities. The Department of Education has neither the technical staff or funds to make that determination. That is why we would need to rely on the expertise of another agency, such as the Department of Health or the Department of Agriculture, to determine which cleaning products would meet the requirements of this bill. The effort to keep the list current would also be a challenge since manufacturers are now coming out with new products regularly which are advertised as "green" as they jump on the environmental band wagon. The third challenge is to enforce this bill should it become law. The purchase of custodial cleaning products is decentralized and the responsibility of each individual school.



Sierra Club Hawai'i Chapter

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HOUSE COMMITTEE ON FINANCE

March 4, 2009, 10:00 A.M.

(Testimony is 2 pages long)

TESTIMONY IN SUPPORT OF HB 1538

Chair Oshiro and members of the committees:

The Sierra Club, Hawai'i Chapter, with 5500 dues paying members statewide, supports HB 1538, requiring schools to use environmentally safe or "green" cleaning products. This common sense measure would help reduce students' exposure to potentially harmful chemicals.

Not only will this benefit the environment, it will also help keep students, teachers, custodial workers, and visitors to our schools safer. Children should not be exposed to potentially harmful chemicals and cleaning substances five days a week. Hawai'i owes it to our children to give them a safe environment in which to learn.

Other states, such as New York and Illinois, have adopted similar measures. Presumably this gives the Department of Health a foundation for considering what products to allow in schools. Chicago's Public School standards is copied below.

Please forward HB 1538.

Thank you for the opportunity to testify.

Chicago Public Schools Policy Manual

Title: GREEN CLEANING POLICY

Section: 410.8

Board Report: 08-0827-PO6 Date Adopted: August 27, 2008

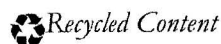
Policy:

THE CHIEF EXECUTIVE OFFICER RECOMMENDS:

That the Chicago Board of Education ("the Board") rescind Board Report 05-0928-PO1 and adopt a new Green Cleaning Policy.

PURPOSE:

The purpose of this policy is to comply with the Illinois Green Cleaning Schools Act (105 ILCS 140), which requires schools to exclusively purchase and use environmentally-sensitive cleaning supplies in accordance with the State of Illinois Guidelines and Specifications for the Green Cleaning Schools Act ("State Guidelines") and related provisions of the Illinois Administrative Code.



Robert D. Harris, Director

POLICY TEXT:

A. Introduction: It shall be the policy of Chicago Public Schools ("CPS") to maintain clean, safe, healthy schools and Board facilities and eliminate contaminants that affect children and adult health, performance and attendance. CPS is committed to the implementation of cleaning processes and supplies that protect children and adult health without harming the environment.

B. Categories of Cleaning Supply Products: For cleaning supplies in the following categories, schools, area offices, central offices and Board facilities shall purchase and utilize environmentally sensitive cleaning products:

1. *Bathroom Cleaners* – products used to clean hard surfaces in a bathroom such as counters, walls, floors, fixtures, basins, tubs or tile.
2. *Carpet Cleaners* – products used to eliminate dirt and stains on rugs and carpeting.
3. *General Purpose and Hard floor Surface Cleaners* – products used for routine cleaning of hard surfaces, including impervious flooring such as concrete or tile. This category does not include products intended primarily to strip, polish or wax floors and it does not include cleaners intended primarily for cleaning toilet bowls, dishes, laundry, upholstery or wood.
4. *Glass, Window and Mirror Cleaners* – are products used to clean glass, windows, mirrors or metallic or polished surfaces.
5. *Hand Cleaners and Hand Soaps* – are products used for routine, non-specialized hand cleaning.
6. *Paper Products* – are paper towels or other paper used for cleaning and do not include toilet paper, facial tissue or paper towels used for drying hands.
7. Such other categories as may be identified in the State Guidelines

C. Product Designations: A school, area offices, central office or Board facility shall be deemed to be in compliance the requirement to use environmentally sensitive cleaning products if the school solely uses products carrying one of the following designations:

1. Certified by Green Seal
2. Certified by Environmental Choice EcoLogo Program
3. For chemicals: Recognized by the US Environmental Protection Agency Design for the Environment Formulator Program, Office of Pollution Prevention and Toxics
4. For Paper Products: In compliance with the IS Environmental Protection Agency Comprehensive Procurement Guidelines for Commercial and Industrial Sanitary Tissue.

D. Implementation: This policy mandates the use of green cleaning supplies by schools, area offices central offices and other Board owned facilities. Each principal and administrator, with his/her staff, shall incorporate Green Cleaning requirements into their school's maintenance and cleaning program. The Department of Procurement and Contracts shall establish a district-wide purchasing contract(s) that enables schools to purchase green cleaning supplies that comply with the requirements of this policy.

The Consumer Specialty Products Association

**Testimony with Concerns to House Bill 1538
House Finance Committee
March 4, 2009**

Andy Hackman, Director of State Affairs

Chairman Oshiro and members of the Finance Committee, CSPA is submitting testimony with concerns to House Bill 1538, which as currently drafted, would initiate an environmentally-sensitive procurement program for cleaning and maintenance products used in all public schools throughout the State. CSPA supports the goal of improving the environment and human health. However, CSPA is concerned that **an unintended consequence of this program could be to degrade public health** by placing undue restrictions on the use of cleaning and disinfecting products and that the legislation could **increase costs to schools; unless** appropriate amendments are considered (*see* attached).

CSPA is a national nonprofit trade association that represents more than 250 companies engaged in the formulation, manufacture, distribution and sale of consumer and institutional products. CSPA members make a wide variety of products including household and institutional cleaners, disinfectants and disinfecting cleaners, and multi-purpose cleaners all of which would be impacted by this legislation. Consumer and institutional cleaning products are tested extensively by manufactures that spend millions of dollars to ensure that their products do not adversely impact the environment or human health.

Cleaning, Disinfecting Products Protect Public Health

The proper use of cleaning and disinfecting products are an effective and proven way to reduce the primary causes of disease, infection, asthma, and other health threats.

One specific example is that the proper use of disinfecting and antimicrobial products on food surfaces can help protect against **Salmonella, E.coli** and other bacterial contamination on food. Cleaning and disinfecting products are also crucial in preventing and mitigating the **Norovirus, Flu Outbreaks, and Staph Infections** and also help prevent unsanitary restrooms, which can pose a serious health risks, such as: contracting **hepatitis, shigella**, or other diseases related to viral or bacterial infection. These products also help kill and protect against mold and mildew, which are proven asthma triggers for children and adults. In addition, cleaning and disinfecting products are part of the first-line of defense against infection and disease and re-establishing sanitary conditions in emergencies and natural disasters.

Disinfectant Use Should Not be Restricted

CSPA is concerned that this legislation could discourage the use of certain cleaning products that are vital to protecting human health. Specifically, the environmentally-sensitive cleaning and maintenance products program may unintentionally restrict or discourage schools from purchasing and using disinfectants and sanitizers; since the U.S. Environmental Protection Agency (EPA) has barred these products from making green claims. Due to EPA's policy, disinfectants have been excluded from third-party certifications and recognition of environmentally preferred products, such as Green Seal's GS-37 standard.

Therefore, in order to protect the use of necessary disinfecting, sanitizing, and antimicrobial products, CSPA would propose amendments to Section 321 as provided in the attached amendments document.

Flexibility Is Needed for Certifying Environmentally-Sensitive Cleaning Products

CSPA is also concerned that the resulting procurement program could erroneously rely on a single third-party product certification program **and increase costs to schools**. States that have taken similar action, such as New York, have had difficulties with relying on *only* one third-party certification, such as GreenSeal. Therefore, CSPA believes that this legislation and subsequent procurement program should allow both large and small companies to achieve environmentally preferred status. This flexibility is especially important for small businesses that cannot afford some of the more expensive third-party certifications (*e.g.*, GreenSeal) which have substantial annual renewal fees. These fees can be substantial and their costs are likely to be passed on to schools.

Due to our concerns, CSPA would like to propose amendments that would allow for flexibility in determining which cleaning products are environmentally preferable by allowing manufacturers to certify their products *via* more than one third-party certification program. CSPA's proposed amendment will also ensure that all manufacturers of cleaning products have an equal opportunity to compete for school cleaning product contracts. Please see attached amendment to Section 103D regarding the listing of environmentally-sensitive cleaning products.

Consumer and Institutional Products are Highly Regulated

It is also important to note that consumer and institutional products are also currently regulated by several federal and state agencies, including the U.S. Consumer Product Safety Commission (CPSC), the U.S. Environmental Protection Agency (EPA), the Occupational Safety and Health Administration (OSHA), and the Hawaii Department of Agriculture (DOA). CPSC and OSHA have extensive regulatory authority over consumer and institutional products to ensure that they are safe for use by all consumers.

Disinfectants and disinfecting cleaning products are also regulated by EPA and DOA as pesticides because these products help control a wide variety of "pests" (*e.g.*, bacteria, fungi and viruses) in hospitals, schools and a variety of other public places. EPA and DOA conduct comprehensive reviews to ensure that disinfectants and disinfecting cleaning products are appropriate for use by consumers in the designated environments. Finally, each manufacturer of consumer and institutional cleaning products also spends millions of dollars to test and evaluate their products exhaustively for environmental impacts, safety, and human exposure

Conclusion

Disinfectants and cleaning products are *essential* for the preservation of safe, sanitary and disease-free buildings, particularly schools. CSPA and our members support the goal of improving environmental health indoors. However, we are concerned about unintended adverse impacts that House Bill 1538 may have on the public's health; as currently drafted.

Therefore, CSPA *urges the Finance Committee to make necessary amendments* (attached) to ensure that disinfectants are not restricted and that there are **flexible and cost-effective options** for recognizing environmentally preferred cleaning products. Thank you very much for your consideration of our position on this critically important issue. I apologize that I cannot be there in-person to present this testimony, given the prompt scheduling of the public hearing, but would welcome any questions or discussion of CSPA's testimony or our proposed amendments. I can be reached directly at: (202) 833-7328.

CSPA's Necessary Amendments for H.B NO. 1538

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

H.B. NO. 1538

A BILL FOR AN ACT

RELATING TO ENVIRONMENTALLY-SENSITIVE PRODUCTS.

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

SECTION 1. Chapter 103D, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"§103D- Environmentally-sensitive cleaning and maintenance products for use in public schools; list. The state procurement office shall maintain a list of contractors that produce, manufacture, or offer for sale environmentally-sensitive cleaning and maintenance products in the form, function, and utility generally used by public schools in accordance with section 302A- and the guidelines established pursuant to section 321-. At a minimum, this list shall include cleaning products recognized by, the United States Environmental Protection Agency's Design for the Environment (DfE) program,

the EcoLogo program administered by TerraChoice, Green Seal, and alternative qualifications, such as: a submission of testing by an accredited third-party verifying that the product meets the criteria of one of the recognized standards; or others as determined appropriate by the department of health under section 321. For purposes of this section, "environmentally-sensitive cleaning and maintenance products" shall have the same meaning as in section 302A- ."

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

"§302A- Procurement and use of environmentally-sensitive cleaning and maintenance products required. (a) Public schools shall procure and use environmentally-sensitive cleaning and maintenance products. In identifying and procuring the products covered by this section, public schools shall use the guidelines established by the department of health in accordance with section 321- ."

(b) For purposes of this section:

"Environmentally-sensitive cleaning and maintenance products" means cleaning and maintenance products **intended to clean surfaces (such as but not limited to: glass cleaners, bathroom cleaners, carpet cleaners and general surface cleaners)** that perform effectively and simultaneously meet the cleaning

needs of the school that minimize any adverse impact on children's human health and the environment.

"Facilities" means any school building or other structure used for instructional purposes and the surrounding grounds or other sites used for playgrounds, athletics, or other instructional purposes."

SECTION 3. 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; guidelines.**

(a) The department of health shall establish guidelines and specifications for environmentally-sensitive cleaning and maintenance products for use in public school facilities in accordance with section 302A- **in consultation with other relevant state agencies and a panel of stakeholders, including cleaning industry representatives, non-governmental organizations, and others, establish and amend on a biennial basis guidelines and specifications for environmentally-preferable cleaning and maintenance products, equipment and paper, for use in school facilities and state buildings.**

(b) In developing appropriate criteria for the guidelines and specifications, the department shall review and evaluate existing research regarding environmentally-sensitive cleaning

and maintenance products including but not limited to any research and guidance issued by the United States Environmental Protection Agency."

(c) The guidelines and specifications shall not prohibit the use of any disinfectant, disinfecting cleaner, sanitizer or any other antimicrobial product regulated by the federal Insecticide, Fungicide and Rodenticide Act, [7 USC 136 et seq] unless U.S. EPA promulgates a final rule to allow such products to make green claims and obtain and use green certifications.

(d) The guidelines and specifications established under this section shall permit the use of products outside the scope of the guidelines developed under this subsection, and those products otherwise excluded from the environmental standards established by any of the generally recognized third-party entities listed in the guidelines developed under this subsection.

SECTION 4. New statutory material is underscored.

SECTION 5. This Act shall take effect upon its approval.

INTRODUCED BY: _____



March 2, 2009

To: Members, House Committee on Finance

From: Tim Shestek
American Chemistry Council

Re: **HB 1538 – Concerns**

The American Chemistry Council (ACC) appreciates the opportunity to comment on HB 1538, legislation pertaining to “environmentally sensitive cleaning and maintenance products for use in public schools.” As you may know, ACC members manufacture products that are essential to helping protect public health. For example, chlorine disinfectants can be highly effective in controlling many disease-causing microbes, including bacteria such as Salmonella and E. coli and viruses such as hepatitis A.

ACC supports the comments provided to your committee by the Consumer Specialty Products Association and echoes their concern that as drafted, this legislation may unintentionally restrict or discourage schools from purchasing and using disinfectants and sanitizers, because U.S. EPA prohibits these products from making "green" claims or achieving environmentally preferred recognition.

ACC supports CSPA’s proposed amendments to HB 1538 and would encourage the committees to pass HB 1538 with these proposed language changes.

Thank you for the opportunity to express these comments. Please do not hesitate to contact me at 916-448-2581 or via email at tim_shestek@americanchemistry.com if you have any questions or comments. You may also wish to contact ACC’s Hawaii based representatives Red Morris or John Radcliffe at 808-531-4551.