

# HB 1538 HD1

## **RELATING TO ENVIRONMENTALLY-SENSITIVE PRODUCTS**

**Directs the Department of Health to establish guidelines and specifications for certain types of environmentally-sensitive cleaning and maintenance products.**

LINDA LINGLE  
GOVERNOR OF HAWAII



CHIYOME LEINAALA FUKINO, M.D.  
DIRECTOR OF HEALTH

STATE OF HAWAII  
DEPARTMENT OF HEALTH  
P.O. Box 3378  
HONOLULU, HAWAII 96801-3378

In reply, please refer to:  
File:

**COMMITTEE ON HEALTH**  
**COMMITTEE ON EDUCATION AND HOUSING**  
**HB 1538, HD1 Relating to Environmentally-Sensitive Products**

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

**March 30, 2009**  
**2:45 PM**

1 **Department's Position:** The Department opposes HB 1538, HD1, because the bill is unnecessary. The  
2 U.S. Environmental Protection Agency has already accomplished what this bill seeks.

3 **Fiscal Implications:** None.

4 **Purpose and Justification:** The Bill directs the Department to establish guidelines and specifications  
5 for environmentally-sensitive cleaning and maintenance products for use in public-school facilities, in  
6 the categories of bathroom cleaners, carpet cleaners, routine cleaners of hard surfaces such as floors and  
7 toilets, glass polishers, hand cleaners, and paper cleaning products.

8 The EPA has a program titled Design for the Environment (DfE). EPA allows environmentally  
9 safer products to carry the Design for the Environment (DfE) label. This mark allows consumers,  
10 companies, and agencies to identify and choose products that can help protect the environment and are  
11 safer for families. The DfE label on a product means that an EPA scientific review team has screened  
12 each ingredient for potential human health and environmental effects, and for possible toxic interaction  
13 among the ingredients in each product. It means that the product contains only those ingredients that  
14 pose the least concern among chemicals in their class, based on currently available toxicological

1 information, EPA predictive models of possible environmental persistence and ecological damage, and  
2 expert scientific judgment.

3           The DfE program has existed since 1999 and currently lists 989 products on its website. Under  
4 the headings of Consumer Cleaning Products and Industrial-Institutional Cleaning Products, hundreds of  
5 alternative products are listed by manufacturer and product name, covering all the categories that this  
6 Bill calls for, with the minor and perhaps temporary exception of paper products used for cleaning. The  
7 DfE web address is <http://www.epa.gov/dfe/pubs/projects/formulat/formparti.htm>, and the Department is  
8 happy to provide that address to the Department of Education or any other governmental agency.

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

**Date:** 03/30/2009

**Committee:** Senate Health  
Senate Education and Housing

**Department:** Education

**Person Testifying:** Patricia Hamamoto, Superintendent of Education

**Title of Bill:** HB 1538,HD1(HSCR964) RELATING TO ENVIRONMENTALLY-SENSITIVE PRODUCTS.

**Purpose of Bill:** Directs the Department of Health to establish guidelines and specifications for certain types of environmentally-sensitive cleaning and maintenance products products. (HB1538 HD1)

**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.



# Sierra Club Hawai'i Chapter

PO Box 2577, Honolulu, HI 96803  
808.537.9019 hawaii.chapter@sierraclub.org

## SENATE COMMITTEE ON HEALTH SENATE COMMITTEE ON EDUCATION AND HOUSING

March 30, 2009, 2:45 P.M.  
(*Testimony is 2 pages long*)

### TESTIMONY IN SUPPORT OF HB 1538, HD1

Aloha Chair Ige, Chair Sakamoto, 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.



March 27, 2009

To: Chairman Ige and Chairman Sakamoto and members of the Senate Health and Education and Housing Committees

From: Tim Shestek  
American Chemistry Council

Re: **HB 1538, HD 1 – Comments**

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 and the amendment language provided by the Consumer Specialty Products Association (CSPA), 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.

Specifically, ACC suggests that your committees amend HB 1538 as follows:

- In section 1, require the Department of Health, when developing guidelines and specifications for “environmentally-sensitive cleaning and maintenance products” to consult with cleaning industry representatives, product manufacturers and others – including non-governmental-organizations – in order to ensure that the Department has access to relevant expertise.
- As referenced above, because U.S. EPA prohibits disinfectants and sanitizers from making "green" claims or achieving environmentally preferred recognition, ACC urges you to specifically exempt the use of any disinfectant, disinfecting cleaner, sanitizer or any other antimicrobial product regulated by the federal Insecticide, Fungicide and Rodenticide Act, unless U.S. EPA promulgates a final rule to allow such products to make green claims and obtain and use green certifications.

These changes, as well as other important language changes are specifically outlined in the suggested amendments that have been presented by CSPA. **ACC urges the adoption of the CSPA amendments in their entirety.** 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](mailto: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.



**The Consumer Specialty Products Association  
Testimony in Opposition to House Bill 1538**

**Senate Committees on Health and Education and Housing  
March 30, 2009**

**Andy Hackman, Director of State Affairs**

Chairman Ige and Chairman Sakamoto and members of the Senate Health and Education and Housing Committees, CSPA is submitting in opposition 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 appropriate amendments (*see attached*) have **not** been made to this legislation and an unintended consequence of the current language of this legislation could be to degrade public health by placing **undue restrictions on the use of cleaning and disinfecting products**.

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.

CSPA has submitted our necessary amendments to Representative Nishimoto and to the House Committees during previous hearings on this legislation; however, they have yet to be fully considered. CSPA hopes that our reasonable amendments might be considered at this hearing, if this legislation is to move forward.

### **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 disinfectant 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.

### **Multiple Options are Needed for Identifying Environmentally-Sensitive Cleaning Products**

CSPA also believes that the guidelines and specifications should allow for multiple product recognitions in helping identify environmentally-sensitive cleaning products. Recognizing multiple product recognition programs in the guidelines *reduces costs to schools* and allows for competition in the marketplace for cleaning products. Therefore, CSPA believes that this legislation and the subsequent guidelines should allow both large and small companies to achieve environmentally preferred status through various third-party options. This flexibility is especially important for small businesses that cannot afford some of the more expensive third-party programs (*e.g.* GreenSeal) which have substantial annual renewal fees.

Due to our concerns, CSPA would like to propose amendments that would provide for flexibility in determining which cleaning products are environmentally preferable. Please see attached amendment to Section 321 regarding the recognition programs for 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 Health and Education and Housing Committees 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.

# Necessary Amendments to House Bill 1538

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

H.B. NO. 1538  
H.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:**

SECTION 1. 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, in consultation with other relevant state agencies and a panel of stakeholders, including cleaning industry representatives, non-governmental organizations, and others; shall establish guidelines and specifications for environmentally-sensitive cleaning and maintenance products for use in public school facilities from the following categories:

- (1) Products used to clean hard surfaces in bathrooms such as counters, walls, floors, fixtures, basins, tubs, or tile;

- (2) Products used to eliminate dirt and stains on rugs and carpeting;
- (3) Products used for routine cleaning of hard surfaces, including impervious flooring such as concrete or tile; provided that this category shall not include:
  - (A) Products intended primarily to strip, polish, or wax floors; or
  - (B) Cleaners intended primarily for cleaning toilet bowls, dishes, laundry, upholstery, or wood;
- (4) Products used to clean glass, windows, mirrors, or metallic or polished surfaces;
- (5) Products used 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's guidelines and specifications.

(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 any research and guidance issued by the United States Environmental Protection Agency's Design for the Environment (DfE) program; the EcoLogo program administered by TerraChoice, Green Seal."

(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.

SECTION 2. New statutory material is underscored.

SECTION 3. This Act shall take effect upon its approval.