

**Date:** 02/13/2009

**Committee:** House Health/House  
Education

**Department:** Education

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

**Title of Bill:** HB 1538 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 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. Using ineffective chemicals may shorten the life of our restroom facilities and possibly expose our children to dangerous germs.

**The Consumer Specialty Products Association**

**Testimony with Concerns to House Bill 1538  
House Health Committee & House Education Committee  
February 13, 2009**

**Andy Hackman, Director of State Affairs**

Chairman Yamane and Chairman Takumi and members of the Health Committee and the Education 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; *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 302A 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. 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.

Due to our concerns, CSPA would like to propose an amendment 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. 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 Committees to make necessary amendments* (attached) to ensure that disinfectants are not restricted and that all companies have adequate options for certifying their environmentally preferred 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

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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 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 submission of a comparative life-cycle assessment (LCA) conducted in accordance with applicable standards as determined by the International Organization for Standardization (ISO). 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. For purposes of this section, "cleaning product" does not include 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.

"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."

SECTION 4. New statutory material is underscored.

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

INTRODUCED BY: \_\_\_\_\_



February 12, 2009

To: Members, House Health Committee and House Education Committee

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](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.



## nishimoto2-Bryce

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, February 11, 2009 9:53 PM  
**To:** HLTtestimony  
**Cc:** efolk@hawaii.edu  
**Subject:** Testimony for HB1538 on 2/13/2009 9:30:00 AM

Testimony for HLT/EDN 2/13/2009 9:30:00 AM HB1538

Conference room: 329  
Testifier position: support  
Testifier will be present: No  
Submitted by: Eric Folk  
Organization: Individual  
Address: 3577-11 Pinoa Street Honolulu, HI 96822  
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E-mail: [efolk@hawaii.edu](mailto:efolk@hawaii.edu)  
Submitted on: 2/11/2009

**Comments:**

Rep. Ryan Yamane, Chair  
Rep. Scott Nishimoto, Vice Chair  
Committee on Health

Rep. Roy Takumi, Chair  
Rep. Lyla Berg, Vice Chair  
Committee on Education

Eric Folk  
February 13, 2009, 9:30am

Support of HB 1538, Relating to environmentally-sensitive products

I believe every child in America deserves to learn in a school that is safe and clean. There are 53 million students and five million adults who attend our nation's schools every day. According to the U.S. Environmental Protection Agency, half of these children may be unnecessarily exposed to polluted indoor air, lead, chemical fumes, pesticides and other toxins. Children miss more than 14 million school days each year due to asthma exacerbated by poor indoor air quality.

Traditional cleaning products used in schools can contain harmful ingredients that cause cancer, reproductive disorders, and major organ damage. These chemicals can find their way into our drinking water, streams and coastal waters, adversely affecting our fragile reefs, threatening public health and adding to pollution.

New York recently enacted a state law to make sure schools address this issue by choosing cleaning products that are environmentally sensitive and safer for our children. We can begin to make a difference for our kids here in Hawaii by supporting a similar proposition, HB 1538. A well-designed green cleaning program in Hawaii's schools, modeled after that in New York, can help reduce harmful exposures and keep our students healthy and smart.

Using green cleaning products also protects the health of our custodial staff, increases the lifespan of our facilities, preserves the environment and is cost-competitive compared to traditional products making the switch a win-win situation for all.

Switching to green products can help our children stay healthy, stay at school, and become better learners. I urge this committee to pass HB 1538 for the sake of our children. Thank you for the opportunity to submit this testimony.

## nishimoto2-Bryce

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, February 11, 2009 10:19 PM  
**To:** HLTtestimony  
**Cc:** jawea.may@gmail.com  
**Subject:** Testimony for HB1538 on 2/13/2009 9:30:00 AM

Testimony for HLT/EDN 2/13/2009 9:30:00 AM HB1538

Conference room: 329  
Testifier position: support  
Testifier will be present: No  
Submitted by: Jawea May  
Organization: Stroller Strides Kailua Windward  
Address:  
Phone:  
E-mail: [jawea.may@gmail.com](mailto:jawea.may@gmail.com)  
Submitted on: 2/11/2009

**Comments:**

Rep. Ryan Yamane, Chair

Rep. Scott Nishimoto, Vice Chair

Committee on Health

Rep. Roy Takumi, Chair

Rep. Lyla Berg, Vice Chair

Committee on Education

Jawea May, owner of Stroller Strides Kailua Windward, mother of two, and lover of our Aina!

February 13, 2009, 9:30am

Support of HB 1538, Relating to environmentally-sensitive products

I believe every child in America deserves to learn in a school that is safe and clean. There are 53 million students and five million adults who attend our nation's schools every day. According to the U.S. Environmental Protection Agency, half of these children may be unnecessarily exposed to polluted indoor air, lead, chemical fumes, pesticides and other toxins. Children miss more than 14 million school days each year due to asthma exacerbated by poor indoor air quality.

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Using green cleaning products also protects the health of our custodial staff, increases the lifespan of our facilities, preserves the environment and is cost-competitive compared to traditional products making the switch a win-win situation for all.

Switching to green products can help our children stay healthy, stay at school, and become better learners. I urge this committee to pass HB 1538 for the sake of our children and our aina!! Thank you for the opportunity to submit this testimony.

Rep. Ryan Yamane, Chair  
Rep. Scott Nishimoto, Vice Chair  
Committee on Health

Rep. Roy Takumi, Chair  
Rep. Lyla Berg, Vice Chair  
Committee on Education

Ariana Eichelberger  
February 13, 2009

#### Support of HB 1538, Relating to environmentally-sensitive products

I am writing to urge you to support this bill. I believe every child in America deserves to learn in a school that is safe and clean. I believe it is our duty to stop children from being unnecessarily exposed to polluted indoor air, lead, chemical fumes, pesticides and other toxins. Children miss more than 14 million school days each year due to asthma exacerbated by poor indoor air quality.

Traditional cleaning products used in schools can contain harmful ingredients that cause cancer, reproductive disorders, and major organ damage. These chemicals can find their way into our drinking water, streams and coastal waters, adversely affecting our fragile reefs, threatening public health and adding to pollution.

Other states such as New York have successfully taken similar measures. A well-designed green cleaning program in Hawaii's schools, modeled after that in New York, can help reduce harmful exposures and keep our students healthy and productive.

Using green cleaning products also protects the health of our custodial staff, increases the lifespan of our facilities, preserves the environment and is cost-competitive compared to traditional products making the switch a win-win situation for all.

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Rep. Ryan Yamane, Chair  
Rep. Scott Nishimoto, Vice Chair  
Committee on Health

Rep. Roy Takumi, Chair  
Rep. Lyla Berg, Vice Chair  
Committee on Education

Bonnie Tabor  
February 13, 2009, 9:30am

#### Support of HB 1538, Relating to environmentally-sensitive products

I believe every child in America deserves to learn in a school that is safe and clean. There are 53 million students and five million adults who attend our nation's schools every day. According to the U.S. Environmental Protection Agency, half of these children may be unnecessarily exposed to polluted indoor air, lead, chemical fumes, pesticides and other toxins. Children miss more than 14 million school days each year due to asthma exacerbated by poor indoor air quality.

Traditional cleaning products used in schools can contain harmful ingredients that cause cancer, reproductive disorders, and major organ damage. These chemicals can find their way into our drinking water, streams and coastal waters, adversely affecting our fragile reefs, threatening public health and adding to pollution.

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Switching to green products can help our children stay healthy, stay at school, and become better learners. I urge this committee to pass HB 1538 for the sake of our children. Thank you for the opportunity to submit this testimony.

w.bRep. Ryan Yamane, Chair  
Rep. Scott Nishimoto, Vice Chair  
Committee on Health

Rep. Roy Takumi, Chair  
Rep. Lyla Berg, Vice Chair  
Committee on Education

Diana Lorge  
February 13, 2009, 9:30am

### Support of HB 1538, Relating to environmentally-sensitive products

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Using environmentally friendly cleaning products also protects the health of our custodial staff, increases the lifespan of our facilities, preserves the environment and is cost-competitive compared to traditional products making the switch a win-win situation for all.

Switching to green products can help our children stay healthy, stay at school, and become better learners. I urge this committee to pass HB 1538 for the sake of our children. Thank you for the opportunity to submit this testimony.

*Senate Bill (SB) Number HB 1538*

*Title: Environmentally-sensitive cleaning and maintenance products for use in public schools*

Rep. Ryan Yamane, Chair  
Rep. Scott Nishimoto, Vice Chair  
Committee on Health

Rep. Roy Takumi, Chair  
Rep. Lyla Berg, Vice Chair  
Committee on Education

Taylor Stewart  
February 13, 2009

Good afternoon, Senators. My name is Taylor Stewart and I am a freshman at Moanalua High School. I am testifying on **House Bill No. 1538**, (Relating to Environmentally-Sensitive products). I support this bill for the following reasons.

When toxic chemicals are used in cleaning products they can harm the environment. When janitors at school use cleaning products they clean the toilets, sinks, and mirrors. When I walk past these janitors that are cleaning I commonly smell bleach. This is a cleaning product that should only be used where there is good ventilation, but even then the inhaling of bleach can be harmful. Now when the janitors are done cleaning where is the cleaning product drained? Or how is it being disposed of? If it is dumped into a drain that leads to the ocean, then our marine life is being damaged by the toxic components inside of these cleaning products. If it is dumped on concrete outside then that product is being evaporated into our air supply. Also, when bathrooms or tables are cleaned and the students at our school touch them, then the product is on their hands they could be negatively impacted. Basically, when toxic cleaning chemicals are routinely washed down the drain where they enter our drinking water, lakes and streams they are threatening public health, plant and animal life and adding to the pollution.

If a transition is taken and environmentally sensitive cleaning products are used then the benefits will be significant. I believe the most important reason that our schools should use environmentally sensitive cleaners is because it can prevent damage to our environment. I am in strong support of HB 1538 because it is important for both the environment and the health of our future generation—the



students. Please think about our future, we would like to inherit a healthy environment.

February 13, 2009

Testimony

Senate Bill (SB) Number **HB 1538**

Title: **Environmentally-sensitive cleaning and maintenance products for use in public schools**

Good Morning, Senators. My name is John Palacios and I am a freshman at Moanalua High School. I am testifying on Senate Bill No. **HB 1538** Relating to the use of environmentally-sensitive products in schools. I strongly support this bill for the following reasons.

First of all, the thought of environmentally friendly and non-toxic cleaners always comes to mind as a good one. Cleaning solutions that schools regularly use contain toxic chemicals such as bleach, ammonia, and citrus oils-mainly the citrus oil known as d-limonene. These particular ingredients are among the majority of cleaners; and are harmful to those in contact with it. For example, ammonia, a commonly used ingredient focused on glass cleaning such as windows and mirrors causes' eye and skin irritation. Bleach causes burning of the skin, and upper respiratory problems when inhaled. I have personally been dizzy and nauseated in school due to the fumes of a cleaning solution used to clean the walls of the communal restrooms.

The switch to environmentally friendly cleaning supplies is one for the better, it helps our environment and protects the students.

Did you know that the cleaning industry consumes 6 billion pounds of chemicals, including non-renewable natural resources such as petroleum each year? If we begin to use biodegradable, non-toxic cleaners packaged in environmentally sensitive materials, we can save our environment and reduce our dependency on foreign oil. We must become more environmentally conscious as a society; why not begin with our next generation by setting an example in the public school system. We must support the movement to "Go Green" which is why I am in support of HB 1538

Rep. Ryan Yamane, Chair  
Rep. Scott Nishimoto, Vice Chair  
Committee on Health

Rep. Roy Takumi, Chair  
Rep. Lyla Berg, Vice Chair  
Committee on Education

Tiara and Tamara Rapp  
February 13, 2009, 9:30am

### Support of HB 1538, Relating to environmentally-sensitive products

I believe every child in America deserves to learn in a school that is safe and clean. There are 53 million students and five million adults who attend our nation's schools every day. According to the U.S. Environmental Protection Agency, half of these children may be unnecessarily exposed to polluted indoor air, lead, chemical fumes, pesticides and other toxins. Children miss more than 14 million school days each year due to asthma exacerbated by poor indoor air quality.

Traditional cleaning products used in schools can contain harmful ingredients that cause cancer, reproductive disorders, and major organ damage. These chemicals can find their way into our drinking water, streams and coastal waters, adversely affecting our fragile reefs, threatening public health and adding to pollution.

New York recently enacted a state law to make sure schools address this issue by choosing cleaning products that are environmentally sensitive and safer for our children. We can begin to make a difference for our kids here in Hawaii by supporting a similar proposition, HB 1538. A well-designed green cleaning program in Hawaii's schools, modeled after that in New York, can help reduce harmful exposures and keep our students healthy and smart.

Using green cleaning products also protects the health of our custodial staff, increases the lifespan of our facilities, preserves the environment and is cost-competitive compared to traditional products making the switch a win-win situation for all.

Switching to green products can help our children stay healthy, stay at school, and become better learners. I urge this committee to pass HB 1538 for the sake of our children. Thank you for the opportunity to submit this testimony.

Barbara Hanson Forsyth  
HB1538

I am a mother of two young children.

I believe every child in America deserves to go to school that is safe and clean. There are 53 million students and five million adults who attend our nation's schools every day. According to the U.S. Environmental Protection Agency, half of these children may be unnecessarily exposed to polluted indoor air, lead, chemical fumes, pesticides and other toxins. Children miss more than 14 million school days each year due to asthma exacerbated by poor indoor air quality.

Traditional cleaning products used in schools can contain harmful ingredients that cause cancer, reproductive disorders, and major organ damage. These chemicals can even find their way into our drinking water, streams and coastal waters, adversely affecting our fragile reefs, threatening public health and adding to pollution.

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Debbie Millikan

Rep. Ryan Yamane, Chair  
Rep. Scott Nishimoto, Vice Chair  
Committee on Health

Rep. Roy Takumi, Chair  
Rep. Lyla Berg, Vice Chair  
Committee on Education

YOUR NAME

February 13, 2009, 9:30am

Support of HB 1538, Relating to environmentally-sensitive products

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