

SB 2709

Date: 02/04/2010

Committee: Senate Education and Housing
Senate Energy and Environment

Department: Education

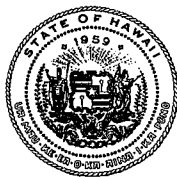
Person Testifying: Kathryn Matayoshi, Interim Superintendent of Education

Title of Bill: SB 2709 RELATING TO ENVIRONMENTALLY SENSITIVE PRODUCTS.

Purpose of Bill: Requires the department of education to give first preference to environmentally-sensitive cleaning and maintenance products that carry the design for the environment label designated by the United States Environmental Protection Agency for use in public schools.

Department's Position: This bill changes the identifier of environmentally sensitive products from the Green Seal program to the Design for the Environment program of the United States Environmental Protection Agency. The Department of Education will defer to the Department of Health on this bill.

LINDA LINGLE
GOVERNOR OF HAWAII



CHIYOME LEINAALA FUKINO, M.D.
DIRECTOR OF HEALTH

STATE OF HAWAII
DEPARTMENT OF HEALTH
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In reply, please refer to:
File:

COMMITTEE ON ENERGY AND ENVIRONMENT
COMMITTEE ON EDUCATION AND HOUSING
SB 2709, Relating to Environmentally Sensitive Products

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

February 4, 2010
2:45 P.M.

1 **Department's Position:** We support this administration bill, and upon further consideration and
2 consultation, we ask for an amendment to remove the Department of Health's role.

3 **Fiscal Implications:** None

4 **Purpose and Justification:** The bill directs the Department of Education to use cleaning products for
5 the public schools that have been approved by the Design for the Environment program of the United
6 States Environmental Protection Agency (DfE). In addition, the bill directs the Department of Health to
7 maintain a list of products that have been approved by the DfE and to review and evaluate existing
8 research regarding environmentally-sensitive cleaning and maintenance products issued by the
9 Environmental Protection Agency.

10 The Department supports the use of cleaning products that have been approved by the
11 Environmental Protection Agency through its DfE program. The DfE label on a product means that
12 EPA's DfE scientific review team has screened each ingredient for potential human health and
13 environmental effects. It means that the product contains only those ingredients that pose the least

1 concern among chemicals in their class based on currently available toxicological information. The DfE
2 technical team has many years of experience and is highly skilled at assessing chemical hazards,
3 applying predictive tools, and identifying safer substitutes for chemicals of concern. EPA maintains a
4 web address <http://www.epa.gov/dfe/pubs/projects/formulat/formpart.htm> listing the DfE labeled
5 products. The Department of Education can obtain information from this site directly.

6 The maintenance of a list by DOH adds no value and is not necessary, and evaluation of DfE
7 research by DOH adds little practical value. Given the current difficult fiscal conditions, maintaining
8 guidelines, specifications, and a list of environmentally-sensitive cleaning and maintenance products,
9 and conducting research, is better left to EPA or national organizations, rather than state agencies.

10 We ask that SECTION 2 of the bill delete section 321-26.5, not merely amend it.

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

TESTIMONY of
THE CONSUMER SPECIALTY PRODUCTS ASSOCIATION

regarding

Hawaii Senate Bill 2709 (Sen. Hanabusa)

“Relating to: Environmentally Sensitive Products.”

submitted to the

SENATE COMMITTEE ON ENERGY AND ENVIRONMENT

and the

SENATE COMMITTEE ON EDUCATION AND HOUSING

STATE of HAWAII

February 4, 2010

Submitted by: Sean Moore, Manager, State Affairs

Chairman Gabbard, Chairman Sakamoto and distinguished members of the Senate Committees on Energy and Environment and Education and Housing, the Consumer Specialty Products Association (CSPA) wishes to submit the following testimony detailing our concerns with Senate Bill 2709 and suggesting simple amendments to address these concerns. CSPA supports the intent of the legislation, to amend §302A-1509 of the Hawaii Revised Statutes to strengthen the goal of protecting human health and reducing the human impact on our environment. However, we believe the environmentally-sensitive cleaning program established by this section should rely on multiple third-parties, rather than any single entity.

CSPA is the premier trade association representing the interests of approximately 240 companies engaged in the manufacture, formulation, distribution and sale of approximately \$80 billion annually in the U.S. of hundreds of familiar consumer products that help household, institutional and industrial customers create cleaner and healthier environments. Our products include disinfectants that kill germs in homes, schools, hospitals and restaurants; candles, fragrances and air fresheners that eliminate odors; pest management products for home and garden; cleaning products for use throughout the home; products used to protect and improve the performance and appearance of automobiles; and a host of other products used every day. This legislation would directly affect our members that manufacture, sell and distribute cleaning products in Hawaii.

Adequate Flexibility is Necessary in Selecting Environmentally-Sensitive Cleaning Products

There is no universally accepted definition of what constitutes “environmentally sensitive”. As such, there exist multiple third-parties with the intent to identify those products that have a reduced impact on human health and the environment, while remaining as effective as a “traditional” cleaner. Each third-party has its own criteria that must be met to earn the right to use its logo, and each program differs in aspects such as the fees charged to review and accredit a product, the time it takes to move a product to market, and the level of service and feedback given.

Section 302A-1509 currently requires schools to give first preference to “environmentally-sensitive cleaning and maintenance products that have been approved by the Green Seal program.” S.B. 2709 would amend the statute so that schools would be required to give first preference to “environmentally-sensitive cleaning and maintenance products that have been approved by the Design for the Environment program [DfE] of the United States Environmental Protection Agency...”

Of the 8-states that have similar requirements in place for schools, **Hawaii is the only state that relies on a single entity** to approve environmentally-sensitive cleaning and maintenance products. CSPA believes that such programs should rely on multiple third-parties, including – at a minimum: the Design for the Environment program (DfE) of the United States Environmental Protection Agency, the EcoLogo program administered by TerraChoice Environmental Marketing, and the Green Seal program.

Encouraging such competition among third parties, prevents outsourcing the role of government oversight to one single non-governmental organization. It also encourages innovation rather than requiring businesses to conform to a single set of guidelines. Having multiple options is also important to small businesses and start-ups that may not be able to afford the high cost of certifications that require a large initial payment and annual renewal fees (e.g. Green Seal).

Antimicrobial and Disinfectant Use Must Be Protected

CSPA is concerned that this legislation could discourage the use of certain cleaning products that are vital to protecting human health. Specifically, schools may be unintentionally discouraged 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.

Cleaning and Disinfecting Products Protect Public Health

The proper use of cleaning products and antimicrobials, such as disinfectants and sanitizers, is an effective and proven way to reduce the primary causes of disease, infection, asthma, and other health threats. These products are used every day in a variety of settings, including homes and offices as well as hospitals and schools to ensure clean and sanitary environments.

Cleaning and disinfecting products are crucial in preventing and mitigating the **Norovirus, Flu Outbreaks** and **Staph Infections (including MRSA)**, and also help prevent unsanitary restrooms, which can pose serious health risks, such as: contracting **hepatitis, shigella**, or other diseases related to viral or bacterial infection. The use of antimicrobial products on food surfaces can help protect against **Salmonella, E.coli** and other bacterial contamination on food. These products also help kill and protect against **mold** and **mildew**, which are **proven asthma triggers** for children and adults. Furthermore, 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.

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. **We believe the best way to strengthen Section 302A-1509 of the Hawaii Revised Statutes would not be to shift reliance from one single entity to another, but to expand the list of accepted third-parties to include DfE, EcoLogo and Green Seal.**

Therefore, CSPA *urges your committees to make necessary amendments* (attached) to S.B. 2709 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 considering our position on this exceedingly important issue. I apologize that I am unable to appear 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 202-833-7308, or via email at smoore@cspa.org.

The Consumer Specialty Products Association's Proposed Amendments to:
Senate Bill 2709

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

1 SECTION 1. Section 302A-1509, Hawaii Revised Statutes, is amended to read as
2 follows:

3 **"§302A-1509 Environmentally-sensitive cleaning and maintenance products for use**
4 **in public schools.** The department of education shall require that all public school facilities give
5 first preference, where feasible, to the purchase and use of environmentally-sensitive cleaning
6 and maintenance products that have been approved by the Design for the Environment program
7 of the United States Environmental Protection Agency, the EcoLogo program administered by
8 TerraChoice Environmental Marketing Inc., or the Green Seal program pursuant to section 321-
9 26.5, for use in public school facilities:

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

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

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

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

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

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

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

20 (6) Paper towels or other paper used for cleaning; provided that this category shall not
21 include toilet paper, facial tissue, or paper towels used for drying hands; ~~and~~

22 (7) Other categories as identified ~~[in]~~ by the department of health; and

23 (8) Nothing in this section shall be construed to prohibit the use of any disinfectant,
24 disinfecting cleaner, sanitizer or any other antimicrobial product regulated by the federal
25 Insecticide, Fungicide and Rodenticide Act, [7 USC 136 et seq].

1 SECTION 2. Section 321-26.5, Hawaii Revised Statutes, is amended to read as follows:

2 **“§321-26.5 Environmentally-sensitive cleaning and maintenance products for use**
3 **in public schools; approved list of products.** (a) The department of health shall maintain

4 a list of products that have been approved by the Design for the Environment program of the
5 United States Environmental Protection Agency, the EcoLogo program administered by

6 TerraChoice Environmental Marketing Inc., or the Green Seal program for public school

7 facilities to use as a first preference guideline when purchasing and using environmentally-

8 sensitive cleaning and maintenance products; provided that the department may add or remove

9 any product from the list as deemed necessary by the director.

10 (b) The department shall review and evaluate existing research regarding

11 environmentally-sensitive cleaning and maintenance products [~~including any research and~~

12 ~~guidance~~] issued by the United States Environmental Protection Agency."

13 SECTION 3. Statutory material to be repealed is bracketed and stricken. New statutory

14 material is underscored.

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