



State of Wisconsin
2009 - 2010 LEGISLATURE

LRB-0136/6

RCT:kjf&jld:md

Wanted Friday

stays

2009 BILL

DNW

Regen

1 AN ACT to create 15.197 (5) and 254.565 of the statutes; relating to: healthy and
2 environmentally sensitive cleaning in certain buildings, providing an
3 exemption from emergency rule procedures, and granting rule-making
4 authority.

Analysis by the Legislative Reference Bureau

This bill requires the Department of Health Services (DHS) to promulgate rules requiring cleaning that minimizes adverse effects on human health and the environment (healthy and environmentally sensitive cleaning) in school buildings, buildings on University of Wisconsin campuses, other buildings owned by this state, buildings owned by a technical college district board, and buildings owned by a city, village, town, or county. DHS must consult with the Council on Healthy and Environmentally Sensitive Cleaning, created by the bill, in promulgating the rules. The rules apply beginning one year after the bill is enacted. Under the bill, DHS may grant a one-year exemption from a requirement in the rules if a person responsible for complying with the requirement demonstrates that compliance would increase its cleaning costs.

The bill requires DHS to include, in the initial rules for healthy and environmentally sensitive cleaning, standards for certain products based on existing voluntary standards adopted by the Environmental Protection Agency (EPA) or specified private groups. The products include restroom cleaners, general purpose cleaners, hand soap, toilet paper and paper towels, and vacuum cleaners. DHS may later modify the standards for those products. The bill authorizes DHS to

(political submission)

by one of three

requirements to use ← use

Analysis EAS 11 X

under its voluntary Design for the Environment Program

requirements

for

that are approved

BILL

adopt, by rule, ~~a standard for an additional type of product for janitorial or sanitation use if EPA, Green Seal, Inc., or TerraChoice Environmental Marketing (which operates the EcoLogo program) has adopted a standard for the type of product.~~ The bill also authorizes DHS to adopt, by rule, a standard for a janitorial or sanitation process if Greenguard Environmental Institute has adopted or certified a standard for the process. DHS ~~is not required to base a rule on the standard adopted or certified by one of the specified bodies if DHS determines that another body has adopted a better standard.~~

Analysis Inset A

approves
approves

Analysis Inset B

Analysis Inset D

Analysis Inset C

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

✓

- 1 SECTION 1. 15.197 (5) of the statutes is created to read:
- 2 15.197 (5) COUNCIL ON HEALTHY AND ENVIRONMENTALLY SENSITIVE CLEANING. (a)
- 3 In this subsection, "school" has the meaning given in s. 254.565 (1) (i).
- 4 (b) There is created in the department of health services a council on healthy
- 5 and environmentally sensitive cleaning consisting of the following members:
- 6 1. The superintendent of public instruction or the superintendent's designee.
 - 7 2. The secretary of natural resources or the secretary's designee.
 - 8 3. A representative of a producer of cleaning products in this state.
 - 9 4. A representative of a labor union that represents workers who use cleaning
 - 10 products.
 - 11 5. A representative of the organization Wisconsin Association of School Nurses
 - 12 or a similar organization.
 - 13 6. Two parents of school students.
 - 14 7. One school student.
 - 15 8. One school principal.
 - 16 9. One school teacher.
 - 17 10. One school district administrator, as defined in s. 115.001 (8).

BILL

1 11. One health professional with expertise in public health.

2 (c) The secretary of health services shall appoint the members under par. (b)

3 3. to 11. for 3-year terms.

4 **SECTION 2.** 254.565 of the statutes is created to read:

5 **254.565 Healthy and environmentally sensitive cleaning in certain**

6 **buildings.** (1) DEFINITIONS. In this section:

Insert
3-6 →

7 (a) "Campus" has the meaning given in s. 36.05 (3).

8 (b) "Charter school" has the meaning given in s. 115.001 (1).

Insert
3-8 →

9 (c) "Council" means the council on healthy and environmentally sensitive
10 cleaning.

11 (d) "Healthy and environmentally sensitive cleaning" means cleaning that
12 minimizes adverse impacts on human health and the environment.

13 (e) "Political subdivision" means a city, village, town, or county.

14 (f) "Private school" has the meaning given in s. 115.001 (3r).

15 (g) "Public school" means a school described in s. 115.01 (1).

16 (h) "Responsible person" means one of the following:

17 1. For a public school, other than a charter school, the school board.

18 2. For a charter school, the governing body of the charter school.

19 3. For a private school with 50 or more students, the governing body of the
20 private school.

21 4. For a building owned by a political subdivision, the political subdivision.

22 5. For a building owned by a technical college district board, the technical
23 college district board.

24 6. For a building on a campus, the Board of Regents of the University of
25 Wisconsin System.

BILL

7. For a building owned by this state, other than a building on a campus, the department of administration.

(i) "School" means any of the following:

- 1. A public school, including a charter school.
- 2. A private school with 50 or more students.

(j) "School board" has the meaning given in s. 115.001 (7).

(2) RULES. (a) ^{① General.} The department, in consultation with the council, shall promulgate rules requiring healthy and environmentally sensitive cleaning in all of the following:

- 1. School buildings.
- 2. Buildings that are owned by political subdivisions.
- 3. Buildings that are owned by technical college district boards.
- 4. Buildings on a campus.
- 5. Buildings owned by this state, other than buildings on a campus.

^{② Initial rules for products for janitorial or sanitation use.}
(b) In the initial rules under this subsection, the department shall include all of the following:

1. ~~Standards for hand cleaners and hand soap based on the standards of Green Seal, Inc., that are in effect on the effective date of this subdivision. [LRB inserts date].~~ ^{A requirement to use approved by}

2. ~~Standards for general purpose cleaners, restroom cleaners, glass cleaners, and carpet cleaners based on the standards of Green Seal, Inc., that are in effect on the effective date of this subdivision ... [LRB inserts date], on the EcoLogo standards~~ ^{A requirement to use}

~~of TerraChoice Environmental Marketing, Inc., that are in effect on the effective date of this subdivision ... [LRB inserts date], or on the standards of the federal~~ ^{that are approved by}
^{by}
^{Insert 4-23}

SECTION 2

BILL

A requirement to use

that are approved by

environmental protection agency under its Design for the Environment Program
that are in effect on the effective date of this subdivision ... [LRB inserts date]

3. Standards for laundry care products based on the EcoLogo standards of
TerraChoice Environmental Marketing, Inc., that are in effect on the effective date
of this subdivision ... [LRB inserts date], or on the standards of the federal

environmental protection agency under its Design for the Environment Program
that are in effect on the effective date of this subdivision ... [LRB inserts date]

4. Standards for toilet paper based on the standards of Green Seal, Inc., that
are in effect on the effective date of this subdivision ... [LRB inserts date], or on the
EcoLogo standards of TerraChoice Environmental Marketing, Inc., that are in effect
on the effective date of this subdivision ... [LRB inserts date]

5. Standards for paper towels and paper napkins based on the standards of
Green Seal, Inc., that are in effect on the effective date of this subdivision ... [LRB
inserts date], or on the EcoLogo standards of TerraChoice Environmental
Marketing, Inc., that are in effect on the effective date of this subdivision ... [LRB
inserts date]

6. Standards for vacuum cleaners that are based on the standards of the Carpet
and Rug Institute under its Green Label Program that are in effect on the effective
date of this subdivision ... [LRB inserts date]

(c) The department, in consultation with the council, may promulgate rules
that modify the initial rules promulgated under par (b).

(b) The department, in consultation with the council, may promulgate rules
specifying standards for a type of product for janitorial or sanitation use, in addition
to the types of products covered in par. (b), if Green Seal, Inc., or TerraChoice
Environmental Marketing, Inc., has adopted a standard for the type of product or if

A requirement to use

A requirement to use

Insert 5-19-B

22

Insert 5-22

requiring approval by a specified entity < entity

that is approved by

that are approved by

Insert 5-4

Insert 5-11

Insert 5-16

Insert 5-19-A

BILL

SECTION 2

1 the federal environmental protection agency has adopted a voluntary standard for
 2 the type of product. The department is not required to ~~base a rule under this~~
 3 ~~paragraph on the standard adopted by~~ ^{select} Green Seal, Inc., TerraChoice Environmental
 4 Marketing, Inc., or the federal environmental protection agency ^{as the entity whose approval is required} for a type of product,
 5 but may ~~base a rule on a standard for the type of product adopted by~~ ^{select} another entity
 6 if the department determines that the other entity's standard is practical and better
 7 promotes healthy and environmentally sensitive cleaning. The department may
 8 request Green Seal, Inc., TerraChoice Environmental Marketing, Inc., or the federal
 9 environmental protection agency to adopt a standard for a type of product for
 10 janitorial or sanitation use for which a standard has not been adopted.

Insert
6-10

11 ~~(e) The department, in consultation with the council, may promulgate rules~~
 12 ~~specifying standards for a janitorial or sanitation process, which may include~~
 13 ~~requirements for items used to perform the janitorial or sanitation process, if~~
 14 ~~Greenguard Environmental Institute has adopted or certified a standard for the~~
 15 ~~process. The department is not required to base a rule under this paragraph on the~~
 16 ~~standard adopted or certified by Greenguard Environmental Institute for the~~
 17 ~~process, but may base a rule on a standard for the process adopted or certified by~~
 18 ~~another entity if the department determines that the other entity's standard is~~
 19 ~~practical and better promotes healthy and environmentally sensitive cleaning. The~~
 20 ~~department may request Greenguard Environmental Institute to adopt or certify a~~
 21 ~~standard for a janitorial or sanitation process for which a standard has not been~~
 22 ~~adopted or certified.~~

23 ~~(f) When the department considers 2 or more standards on which to base a rule~~
 24 ~~under this subsection, the department shall give a preference to standards that are~~

BILL

1 more protective of human health and preventive of the spread of infection and
2 disease.

3 (g) The department shall provide information about the rules under this
4 subsection, including ^{modifications} ~~revisions~~ to the rules, to each school board, to the governing
5 body of each charter school, and to the governing body of each private school with 50
6 or more students.

7 (3) REQUIREMENT. (a) Except as provided in pars. (b) to ^e ~~(d)~~, beginning on the
8 first day of the 12th month beginning after the effective date of this paragraph
9 [LRB inserts date], each responsible person shall ensure that the rules promulgated
10 under sub. (2) ^{other than under sub. (2)(d);} are complied with in ^{the} a building for which the responsible person is
11 responsible.

Insert 7-4 →

12 (b) ^{subject to} ~~Except as provided in~~ par. (c), the rules promulgated under sub. (2) (b) do
13 not apply to the use of products purchased before the first day of the 12th month
14 beginning after the effective date of this paragraph [LRB inserts date].

15 (c) A rule promulgated under sub. (2) ^{requiring use of} ~~relating to a kind~~ of machine ^{of type with a specified approval} does not
16 apply to the use of a machine of that type purchased before the effective date of the
17 rule.

18 (d) A responsible person is exempt for one year from a requirement in the rules
19 promulgated under sub. (2) relating to the use of a product ^{or cleaning system} if the responsible person
20 provides to the department documentation demonstrating that complying with the
21 requirement would increase the responsible person's cleaning costs for the year.

Insert 7-21 →

22 (4) COUNCIL. (a) The council shall advise the department on the program under
23 this section. The council shall review the rules under sub. (2) at least every 3 years
24 and provide recommendations on changes to the rules. The council shall review
25 ~~changes to a standard on which a rule under sub. (2) is based and advise the~~

BILL

1 department on whether to modify the rule to reflect the changes in the standard, to
 2 modify the rule so that it is based on a different standard, or to make no changes to
 3 the rule.

4 (b) The department shall review and provide a written response to any advice
 5 that it receives from the council concerning the program under this section.

Insert
 6
 8-5
 7

SECTION 3. Nonstatutory provisions.

(1) RULE MAKING.

8 (a) The department of health services shall submit in proposed form the rules
 9 required under section 254.565 (2) (b) ^{and (d)} of the statutes, as created by this act, to the
 10 legislative council staff under section 227.15 (1) of the statutes no later than the first
 11 day of the 7th month beginning after the effective date of this subsection.

12 (b) Using the procedure under section 227.24 of the statutes, the department
 13 of health services may promulgate the rules required under section 254.565 (2) (b) ^{and (d)}
 14 of the statutes, as created by this act, for the period before the effective date of the
 15 rules submitted under paragraph (a), but not to exceed the period authorized under
 16 section 227.24 (1) (c) and (2) of the statutes. Notwithstanding section 227.24 (1) (a),
 17 (2) (b), and (3) of the statutes, the department is not required to provide evidence that
 18 promulgating a rule under this paragraph as an emergency rule is necessary for the
 19 preservation of the public peace, health, safety, or welfare and is not required to
 20 provide a finding of emergency for a rule promulgated under this paragraph.

21 (2) INITIAL TERMS OF MEMBERS OF COUNCIL. Notwithstanding the length of terms
 22 specified under section 15.197 (5) (c) of the statutes, as created by this act, the
 23 secretary of health services shall appoint initial members of the council on healthy
 24 and environmentally sensitive cleaning as follows:

BILL

1 (a) The members under section 15.197 (5) (b) 3. and 9. of the statutes, as created
2 by this act, and one of the members appointed under section 15.197 (5) (b) 6. of the
3 statutes, as created by this act, for terms expiring on July 1, 2012.

4 (b) The members under section 15.197 (5) (b) 4., 7., and 10. of the statutes, as
5 created by this act, for terms expiring on July 1, 2013.

6 (c) The members under section 15.197 (5) (b) 5., 8., and 11. of the statutes, as
7 created by this act, and one of the members appointed under section 15.197 (5) (b)
8 6. of the statutes, as created by this act, for terms expiring on July 1, 2014.

9 (END)

Wate

1 **Analysis Insert X**

no #

The initial requirements for using approved products take effect one year after the bill is enacted.

2 **Analysis Insert A**

an approval requirement for

3 **Analysis Insert B**

may require approval by a group other than

4 **Analysis Insert C**

group bases its approval on

5 **Analysis Insert D**

The bill also requires DHS to include in its initial rules the requirement to use a cleaning system approved by the Greenguard Environmental Institute (GEI), a private nonprofit group, under its Children and Schools standards for any cleaning use for which the GEI has approved a cleaning system. A cleaning system consists of specific cleaning products, materials for applying the cleaning products, equipment, and instructions for a specified cleaning use that a manufacturer submits to GEI for certification. The requirement to use an approved cleaning system takes effect two years after the bill is enacted, except that for buildings owned by this state, other than buildings on a University of Wisconsin campus, and for buildings owned by a political subdivision the requirement takes effect three years after the bill is enacted.

The bill authorizes DHS to require approval of cleaning systems by a different group than GEI if the department determines that the other group's standards are practical and address other health or environmental concerns in addition to indoor air quality. Under the bill, the requirement to use an approved cleaning system overrides the requirement to use a type of cleaning product approved by a specified group if there is an approved cleaning system that includes the type of cleaning product.

6 **Insert 3-6**

7 (a) "Approved" includes certified and recognized.

8 **Insert 3-8**

1 (bm) "Cleaning system" means cleaning products, materials for applying
2 cleaning products, equipment, and instructions for a specified cleaning use.

3 **Insert 4-23**

4 under its EcoLogo standards;

5 **Insert 5-4**

6 under its EcoLogo standards,

7 **Insert 5-11**

8 under its EcoLogo standards

9 **Insert 5-16**

10 under its EcoLogo standards

11 **Insert 5-19-A**

12 or its Seal of Approval/Green Label Program

13 **Insert 5-19-B**

14 (c) *Selecting approving entity.* In promulgating the rules under par. (b) for the
15 products identified in par. (b) 2. to 5., the department shall select one entity whose
16 approval is required, giving a preference to the entity whose standards are most
17 protective of human health and preventive of the spread of infection and disease.

18 (d) *Initial rules for cleaning systems.* In the initial rules under this subsection,
19 the department shall include a requirement to use a cleaning system approved by the
20 Greenguard Environmental Institute under its Children and Schools standards for
21 any cleaning use for which the Greenguard Environmental Institute has approved
22 a cleaning system.

23 **Insert 5-22**

24 ~~no~~ Additional rules for products for janitorial or sanitation use. After
25 promulgating the rules under par. (b),

Insert 6-10

(f) *Modifying rules.* 1. The department, in consultation with the council, may promulgate rules that modify the rules promulgated under par. (b) or (e).

2. Whenever an entity whose approval is required under a rule promulgated under par. (b) or (e) modifies the standards on which its approval is based, the department, in consultation with the council, shall review the modified standards and determine whether to continue to require approval by that entity. Under this subdivision, the department may require approval by a different entity if the department determines that the other entity's standards are practical and more protective of human health and preventive of the spread of infection and disease.

3. Whenever Greenguard Environmental Institute modifies its Children and Schools standards, the department, in consultation with the council, shall review the modified standards and determine whether to continue to require approval by Greenguard Environmental Institute under its Children and Schools standards. The department, in consultation with the council, may modify the initial rules promulgated under par. (d) to require approval of cleaning systems by a different entity than Greenguard Environmental institute if the department determines that the other entity's standards address other health or environmental concerns in addition to indoor air quality, are practical, and are protective of human health and preventive of the spread of infection and disease.

Insert 7-11

(am) 1. Except as provided in pars. (c) and (d), beginning on the first day of the 24th month beginning after the effective date of this paragraph [LRB inserts date], each responsible person for a school, a building that is owned by a technical college, or a building on a campus shall ensure that the rules promulgated under sub.

1 (2) (d) are complied with in the building for which the responsible person is
2 responsible.

3 2. Except as provided in pars. (c) and (d), beginning on the first day of the 36th
4 month beginning after the effective date of this paragraph [LRB inserts date],
5 each responsible person for a building that is owned by a political subdivision or a
6 building that is owned by this state, other than a building on a campus, shall ensure
7 that the rules promulgated under sub. (2) (d) are complied with in that building.

8 **Insert 7-21**

9 (e) After a requirement in a rule under sub. (2) (d) or (f) 3. to use a cleaning
10 system approved by a specified entity applies to a responsible person, if a cleaning
11 system approved by that entity includes a type of product for janitorial or sanitation
12 use that is also subject to a rule under sub. (2) (b), (e), or (f) 1. or 2., the rule under
13 sub. (2) (d) or (f) 3. applies to the responsible person with respect to that type of
14 product rather than the rule under sub. (2) (b), (e), or (f) 1. or 2.

15 **Insert 8-5**

16 (c) The council may annually give an award ^{for} healthy and environmentally
17 sensitive cleaning to a political subdivision, a school district, and an institution of
18 higher education subject to the requirements under this section.

19 (5) INTERNET SITE. The department shall maintain an Internet site that shows
20 the political subdivisions, school districts, and institutions that comply with the
21 requirements under this section.

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0136/6dn
RCT:kjf:ph

October 9, 2009

This redraft makes extensive changes in the draft. Please review the entire draft carefully and contact me if any provision of the draft is unclear or if there are any other questions about the draft.

The definition of "cleaning system" is based on the Greenguard Environmental Institute definition from its document that describes the standards and testing process for certifying cleaning products and cleaning systems. I have added a definition of "approval" and used that term rather than "certified" because it appears that EPA does not certify products under its Design for the Environment Program, but instead "recognizes" them. Also, other third-party product-approving entities (which could be selected by DHS in its rules after the initial rules) might use other terminology to describe their approvals.

In looking at the Carpet and Rug Institute Internet site to see what its approval of vacuum cleaners is called, I learned that CRI is making a transition from the Green Label Program to a Seal of Approval/Green Label Program, which considers cleaning performance as well as air quality. The old program will end at the end of 2010. The new program has gold, silver, and bronze ratings. This draft does not specify which rating a vacuum cleaner must receive.

Under this version of the draft, whenever an entity whose approval is required changes its standards, DHS, in consultation with the council, is required to review the standards in order to decide whether to continue to require that entity's approval. This provision is intended partly to minimize any objection that the legislature would be delegating the power to make state law to an outside entity. It may be difficult, however, for DHS to know when standards are changed. It appears that currently some entities change their standards fairly frequently.

Please let me know if additional changes are needed.

Rebecca C. Tradewell
Managing Attorney
Phone: (608) 266-7290
E-mail: becky.tradewell@legis.wisconsin.gov

Tradewell, Becky

From: Michalak, Michelle
Sent: Friday, October 16, 2009 2:59 PM
To: Tradewell, Becky
Subject: LRB-0136/6

Hi Becky,

Thank you for your drafters note on version 6 of the Green Cleaning for a Healthier Wisconsin bill.

I just wanted to follow up to some of your questions in the DN:

1. Carpet and Rug standards – A standard is outlined in the current draft, please see page #, line 19 item 6.) A requirement to use vacuum cleaners that are approved by the Carpet and Rug Institute under its Green Label Program or its Seal of Approval / Green Label Program – do you believe that we need to specify further in the draft? Thoughts?
2. Please add *carpet extractors* to Page 5, line 19 & also in the LRB analysis
3. On Page 5, line 23 please indicate that the Dept. should not require "1" entity but could have EITHER or BOTH. Example, paper products should meet EITHER or BOTH Ecologo and/or Greenseal
4. On Page 7, line 10 & 11 – the Dept. in consult with the council can meet different and OR AN ADDITAONAL (other) standards put forth --- For example, GreenGuard, both NOT one or the other.

Please let me know if you need additional information on the changes above.

Thanks and have a great weekend! ☺

Shelle Michalak

Office of State Representative Cory Mason

Room 321 East, State Capitol

PO Box 8953

Madison, WI 53708

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E-mail correspondence to and from this address may be subject open records law and may be disclosed to outside parties.

Tradewell, Becky

From: Tradewell, Becky
Sent: Saturday, October 17, 2009 11:19 AM
To: Michalak, Michelle
Subject: RE: LRB-0136/6

Shelle,

I am sorry that my drafter's note was not clear. I am aware that the draft includes a standard for vacuums. I was just trying to point out that the new Carpet and Rug Institute approval will have three levels (bronze, silver, and gold). The draft does not specify which level must be obtained. If the lowest level in the new CRI standards is not acceptable for the purposes of this proposal, then the draft should specify that a higher level must be required. If the lowest level is acceptable, then no change is needed. This web page describes the CRI standards (scroll way down for vacuums):

<http://www.carpet-rug.org/commercial-customers/cleaning-and-maintenance/seal-of-approval-products/testing-criteria.cfm>

As for extractors, it appears from reviewing the Carpet and Rug Institute Internet site that the CRI approval standards for extractors are only based on the effectiveness of the extractor (soil removal, water recovery, and appearance retention), whereas the standards for vacuums also consider indoor air quality. Given this, do you still want to add extractors? If so, I will need to add a provision for them separate from the vacuum cleaners because extractors are not part of the Green Label or Seal of Approval/Green Label programs. (There are also Bronze, silver, and Gold levels for the CRI approval of vacuum cleaners.)

Let me know if you have any questions.

No response

Becky Tradewell
6-7290

From: Michalak, Michelle
Sent: Friday, October 16, 2009 2:59 PM
To: Tradewell, Becky
Subject: LRB-0136/6

Hi Becky,

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I just wanted to follow up to some of your questions in the DN:

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10/17/2009

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Please let me know if you need additional information on the changes above.

Thanks and have a great weekend! ☺

Shelle Michalak

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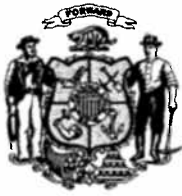
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State of Wisconsin
2009 - 2010 LEGISLATURE

LRB-01366
RCT:kjf&jld:ph
stays VMR

Today, if possible

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The bill requires DHS to include, in the initial rules for healthy and environmentally sensitive cleaning, requirements to use certain products that are approved by the Environmental Protection Agency (EPA) under its voluntary Design for the Environment Program or by one of three specified private groups. The products include restroom cleaners, general purpose cleaners, hand soap, toilet paper and paper towels, and vacuum cleaners. The initial requirements for using approved products take effect one year after the bill is enacted. DHS may later

more
of more

and carpet extractors

BILL

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modify the requirements for approvals for those products. The bill authorizes DHS to adopt, by rule, an approval requirement for an additional type of product for janitorial or sanitation use if EPA, Green Seal, Inc., or TerraChoice Environmental Marketing (which operates the EcoLogo program) approves the type of product. DHS may require approval by a group other than one of the specified groups, if DHS determines that the other group bases its approval on a better standard.

* The bill also requires DHS to include in its initial rules the requirement to use a cleaning system approved by the Greenguard Environmental Institute (GEI), a private nonprofit group, under its Children and Schools standards for any cleaning use for which the GEI has approved a cleaning system. A cleaning system consists of specific cleaning products, materials for applying the cleaning products, equipment, and instructions for a specified cleaning use that a manufacturer submits to GEI for certification. The requirement to use an approved cleaning system takes effect two years after the bill is enacted, except that for buildings owned by this state, other than buildings on a University of Wisconsin campus, and for buildings owned by a political subdivision the requirement takes effect three years after the bill is enacted.

* The bill authorizes DHS to require approval of cleaning systems by a different group than GEI if the department determines that the other group's standards are practical and address other health or environmental concerns in addition to indoor air quality. Under the bill, the requirement to use an approved cleaning system overrides the requirement to use a type of cleaning product approved by a specified group if there is an approved cleaning system that includes the type of cleaning product.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 15.197 (5) of the statutes is created to read:

2 15.197 (5) COUNCIL ON HEALTHY AND ENVIRONMENTALLY SENSITIVE CLEANING. (a)

3 In this subsection, "school" has the meaning given in s. 254.565 (1) (i).

4 (b) There is created in the department of health services a council on healthy
5 and environmentally sensitive cleaning consisting of the following members:

- 6 1. The superintendent of public instruction or the superintendent's designee.
- 7 2. The secretary of natural resources or the secretary's designee.
- 8 3. A representative of a producer of cleaning products in this state.

or to authorize the use of a cleaning system approved by GEI or another specified group

BILL

1 4. A representative of a labor union that represents workers who use cleaning
2 products.

3 5. A representative of the organization Wisconsin Association of School Nurses
4 or a similar organization.

5 6. Two parents of school students.

6 7. One school student.

7 8. One school principal.

8 9. One school teacher.

9 10. One school district administrator, as defined in s. 115.001 (8).

10 11. One health professional with expertise in public health.

11 (c) The secretary of health services shall appoint the members under par. (b)
12 3. to 11. for 3-year terms.

13 SECTION 2. 254.565 of the statutes is created to read:

14 **254.565 Healthy and environmentally sensitive cleaning in certain**
15 **buildings.** (1) DEFINITIONS. In this section:

16 (a) "Approved" includes certified and recognized.

17 (am) "Campus" has the meaning given in s. 36.05 (3).

18 (b) "Charter school" has the meaning given in s. 115.001 (1).

19 (bm) "Cleaning system" means cleaning products, materials for applying
20 cleaning products, equipment, and instructions for a specified cleaning use.

21 (c) "Council" means the council on healthy and environmentally sensitive
22 cleaning.

23 (d) "Healthy and environmentally sensitive cleaning" means cleaning that
24 minimizes adverse impacts on human health and the environment.

25 (e) "Political subdivision" means a city, village, town, or county.

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1 (f) "Private school" has the meaning given in s. 115.001 (3r).

2 (g) "Public school" means a school described in s. 115.01 (1).

3 (h) "Responsible person" means one of the following:

4 1. For a public school, other than a charter school, the school board.

5 2. For a charter school, the governing body of the charter school.

6 3. For a private school with 50 or more students, the governing body of the
7 private school.

8 4. For a building owned by a political subdivision, the political subdivision.

9 5. For a building owned by a technical college district board, the technical
10 college district board.

11 6. For a building on a campus, the Board of Regents of the University of
12 Wisconsin System.

13 7. For a building owned by this state, other than a building on a campus, the
14 department of administration.

15 (i) "School" means any of the following:

16 1. A public school, including a charter school.

17 2. A private school with 50 or more students.

18 (j) "School board" has the meaning given in s. 115.001 (7).

19 **(2) RULES.** (a) *General.* The department, in consultation with the council, shall
20 promulgate rules requiring healthy and environmentally sensitive cleaning in all of
21 the following:

22 1. School buildings.

23 2. Buildings owned by political subdivisions.

24 3. Buildings owned by technical college district boards.

25 4. Buildings on a campus.

BILL

1 5. Buildings owned by this state, other than buildings on a campus.

2 (b) *Initial rules for products for janitorial or sanitation use.* In the initial rules
3 under this subsection, the department shall include all of the following:

4 1. A requirement to use hand cleaners and hand soap approved by Green Seal,
5 Inc.

6 2. A requirement to use general purpose cleaners, restroom cleaners, glass
7 cleaners, and carpet cleaners that are approved by Green Seal, Inc.; by TerraChoice
8 Environmental Marketing, Inc., under its EcoLogo standards; or by the federal
9 environmental protection agency under its Design for the Environment Program.

10 3. A requirement to use laundry care products that are approved by
11 TerraChoice Environmental Marketing, Inc., under its EcoLogo standards; or by the
12 federal environmental protection agency under its Design for the Environment
13 Program.

14 4. A requirement to use toilet paper that is approved by Green Seal, Inc., or by
15 TerraChoice Environmental Marketing, Inc., under its EcoLogo standards.

16 5. A requirement to use paper towels and paper napkins that are approved by
17 Green Seal, Inc., or by TerraChoice Environmental Marketing, Inc., under its
18 EcoLogo standards.

19 6. A requirement to use vacuum cleaners that are approved by the Carpet and
20 Rug Institute under its Green Label Program or its Seal of Approval/Green Label
21 Program.

Insert
5-21 →

22 (c) *Selecting approving entity.* In promulgating the rules under par. (b) for the
23 products identified in par. (b) 2. to 5., the department shall select one entity whose
24 approval is required, giving a preference to the entity whose standards are most
25 protective of human health and preventive of the spread of infection and disease.

Insert 5-23
shall select one entity whose
standards are most
protective of human health and preventive of the spread of infection and disease

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1 (d) *Initial rules for cleaning systems.* In the initial rules under this subsection,
2 the department shall include a requirement to use a cleaning system approved by the
3 Greenguard Environmental Institute under its Children and Schools standards for
4 any cleaning use for which the Greenguard Environmental Institute has approved
5 a cleaning system.

6 (e) *Additional rules for products for janitorial or sanitation use.* After
7 promulgating the rules under par. (b), the department, in consultation with the
8 council, may promulgate rules requiring approval by a specified entity ^{insert 6-8} for a type of
9 product for janitorial or sanitation use, in addition to the types of products covered
10 in par. (b), if Green Seal, Inc., or TerraChoice Environmental Marketing, Inc., has
11 adopted a standard for the type of product or if the federal environmental protection
12 agency has adopted a voluntary standard for the type of product. The department
13 is not required to select Green Seal, Inc., TerraChoice Environmental Marketing,
14 Inc., or the federal environmental protection agency as ^{an} the entity whose approval is
15 required for a type of product, but may select ^{any} another entity if the department
16 determines that the ~~other~~ entity's standard is practical and ~~better~~ promotes healthy
17 and environmentally sensitive cleaning. The department may request Green Seal,
18 Inc., TerraChoice Environmental Marketing, Inc., or the federal environmental
19 protection agency to adopt a standard for a type of product for janitorial or sanitation
20 use for which a standard has not been adopted.

21 (f) *Modifying rules.* 1. The department, in consultation with the council, may
22 promulgate rules that modify the rules promulgated under par. (b) or (e).

23 2. Whenever an entity whose approval is required under a rule promulgated
24 under par. (b) or (e) modifies the standards ^{on} on which its approval is based, the
25 department, in consultation with the council, shall review the modified standards ^{on} on

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1 and determine whether to continue to require approval by that entity. Under this
 2 subdivision, the department may require approval by a different entity if the
 3 department determines that the other entity's standards ^{is} are practical and more
 4 protective of human health and preventive of the spread of infection and disease.

5 3. Whenever Greenguard Environmental Institute modifies its Children and
 6 Schools standards ^{of} the department, in consultation with the council, shall review the
 7 modified standards ^{and} and determine whether to continue to require approval by
 8 Greenguard Environmental Institute under its Children and Schools standards ^{of}.

9 The department, in consultation with the council, may modify the initial rules
 10 promulgated under par. (d) to require approval of cleaning systems by a different
 11 ^{an other} entity than Greenguard Environmental Institute if the department determines that
 12 the other entity's standards ^{is} address other health or environmental concerns in
 13 addition to indoor air quality, ^{is} are practical, and ^{is} are protective of human health and
 14 preventive of the spread of infection and disease.

15 (g) ^{Providing information.} The department shall provide information about the rules under this
 16 subsection, including modifications to the rules, to each school board, to the
 17 governing body of each charter school, and to the governing body of each private
 18 school with 50 or more students.

19 (3) REQUIREMENT. (a) Except as provided in pars. (b) to (e), beginning on the
 20 first day of the 12th month beginning after the effective date of this paragraph
 21 [LRB inserts date], each responsible person shall ensure that the rules promulgated
 22 under sub. (2), other than under sub. (2) (d), are complied with in the building for
 23 which the responsible person is responsible.

24 (am) 1. Except as provided in pars. (c) and (d), beginning on the first day of the
 25 24th month beginning after the effective date of this paragraph [LRB inserts

to specify another entity whose approval of cleaning systems is also acceptable or

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1 date], each responsible person for a school, a building that is owned by a technical
2 college, or a building on a campus shall ensure that the rules promulgated under sub.
3 (2) (d) are complied with in the building for which the responsible person is
4 responsible.

5 2. Except as provided in pars. (c) and (d), beginning on the first day of the 36th
6 month beginning after the effective date of this paragraph [LRB inserts date],
7 each responsible person for a building that is owned by a political subdivision or a
8 building that is owned by this state, other than a building on a campus, shall ensure
9 that the rules promulgated under sub. (2) (d) are complied with in that building.

10 (b) Subject to par. (c), the rules promulgated under sub. (2) (b) do not apply to
11 the use of products purchased before the first day of the 12th month beginning after
12 the effective date of this paragraph [LRB inserts date].

13 (c) A rule promulgated under sub. (2) requiring use of a type of machine with
14 a specified approval does not apply to the use of a machine of that type purchased
15 before the effective date of the rule.

16 (d) A responsible person is exempt for one year from a requirement in the rules
17 promulgated under sub. (2) relating to the use of a product or cleaning system if the
18 responsible person provides to the department documentation demonstrating that
19 complying with the requirement would increase the responsible person's cleaning
20 costs for the year.

21 (e) After a requirement in a rule under sub. (2) (d) or (f) 3. to use a cleaning
22 system approved by a specified entity applies to a responsible person, if a cleaning
23 system approved by that entity includes a type of product for janitorial or sanitation
24 use that is also subject to a rule under sub. (2) (b), (e), or (f) 1. or 2., the rule under

BILL

1 sub. (2) (d) or (f) 3. applies to the responsible person with respect to that type of
2 product rather than the rule under sub. (2) (b), (e), or (f) 1. or 2.

3 (4) COUNCIL. (a) The council shall advise the department on the program under
4 this section. The council shall review the rules under sub. (2) at least every 3 years
5 and provide recommendations on changes to the rules.

6 (b) The department shall review and provide a written response to any advice
7 that it receives from the council concerning the program under this section.

8 (c) The council may annually give an award for healthy and environmentally
9 sensitive cleaning to a political subdivision, a school district, and an institution of
10 higher education subject to the requirements under this section.

11 (5) INTERNET SITE. The department shall maintain an Internet site that shows
12 the political subdivisions, school districts, and institutions that comply with the
13 requirements under this section.

SECTION 3. Nonstatutory provisions.**(1) RULE MAKING.**

14 (a) The department of health services shall submit in proposed form the rules
15 required under section 254.565 (2) (b) and (d) of the statutes, as created by this act,
16 to the legislative council staff under section 227.15 (1) of the statutes no later than
17 the first day of the 7th month beginning after the effective date of this subsection.
18

19 (b) Using the procedure under section 227.24 of the statutes, the department
20 of health services may promulgate the rules required under section 254.565 (2) (b)
21 and (d) of the statutes, as created by this act, for the period before the effective date
22 of the rules submitted under paragraph (a), but not to exceed the period authorized
23 under section 227.24 (1) (c) and (2) of the statutes. Notwithstanding section 227.24
24 (1) (a), (2) (b), and (3) of the statutes, the department is not required to provide
25

BILL

1 evidence that promulgating a rule under this paragraph as an emergency rule is
2 necessary for the preservation of the public peace, health, safety, or welfare and is
3 not required to provide a finding of emergency for a rule promulgated under this
4 paragraph.

5 (2) INITIAL TERMS OF MEMBERS OF COUNCIL. Notwithstanding the length of terms
6 specified under section 15.197 (5) (c) of the statutes, as created by this act, the
7 secretary of health services shall appoint initial members of the council on healthy
8 and environmentally sensitive cleaning as follows:

9 (a) The members under section 15.197 (5) (b) 3. and 9. of the statutes, as created
10 by this act, and one of the members appointed under section 15.197 (5) (b) 6. of the
11 statutes, as created by this act, for terms expiring on July 1, 2012.

12 (b) The members under section 15.197 (5) (b) 4., 7., and 10. of the statutes, as
13 created by this act, for terms expiring on July 1, 2013.

14 (c) The members under section 15.197 (5) (b) 5., 8., and 11. of the statutes, as
15 created by this act, and one of the members appointed under section 15.197 (5) (b)
16 6. of the statutes, as created by this act, for terms expiring on July 1, 2014.

17 (END)

DWate

**2009-2010 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0136/7ins
RCT:.....

1 **Insert 5-21**

2 7. A requirement to use carpet extractors that are approved by the Carpet and
3 Rug Institute under its Seal of Approval Program.

4 **Insert 5-23**

5 no # may require the use of products approved by one of the entities or may specify
6 more than one entity whose approval is acceptable

7 **Insert 6-8**

8 no # or may specify more than one entity whose approval is acceptable

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0136/7dn

RCT...*kyf*

Date

As requested, this version requires the use of carpet extractors that are approved by the Carpet and Rug Institute (CRI). Please note that CRI's standard for approval of carpet extractors is only based on the effectiveness of the extractor (soil removal, water recovery, and appearance retention), whereas the standards for vacuums also consider indoor air quality. It was necessary to place extractors in a provision separate from vacuums because extractors are not approved under the CRI Green Label or Seal of Approval/Green Label program.

Please let me know if you have any questions or want any additional changes in the draft.

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**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0136/7dn
RCT:kjf:md

October 21, 2009

As requested, this version requires the use of carpet extractors that are approved by the Carpet and Rug Institute (CRI). Please note that CRI's standard for approval of carpet extractors is only based on the effectiveness of the extractor (soil removal, water recovery, and appearance retention), whereas the standards for vacuums also consider indoor air quality. It was necessary to place extractors in a provision separate from vacuums because extractors are not approved under the CRI Green Label or Seal of Approval/Green Label program.

Please let me know if you have any questions or want any additional changes in the draft.

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Barman, Mike

From: Rep.Mason

Sent: Wednesday, October 28, 2009 6:05 PM

To: LRB.Legal

Subject: Draft Review: LRB 09-0136/7 Topic: Environmentally sensitive cleaning in schools and other public buildings

Please Jacket LRB 09-0136/7 for the ASSEMBLY.

10/29/2009