

2009 DRAFTING REQUEST

Assembly Substitute Amendment (ASA-AB578)

Received: **01/11/2010**

Received By: **btradewe**

Wanted: **Soon**

Identical to LRB:

For: **Cory Mason (608) 266-0634**

By/Representing: **Shelle Michalak**

This file may be shown to any legislator: **NO**

Drafter: **btradewe**

May Contact:

Addl. Drafters:

Subject: **Health - miscellaneous
Environment - other**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Mason@legis.wisconsin.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Environmentally sensitive cleaning with several changes

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	btradewe 01/11/2010	jdye 01/12/2010		_____			
/P1			rschluet 01/12/2010	_____	cduerst 01/12/2010		
/P2	btradewe 01/20/2010	kfollett 01/21/2010	mduchek 01/21/2010	_____	mbarman 01/21/2010		
/P3	btradewe	jdye	jfrantze	_____	cduerst		

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	01/22/2010	01/22/2010	01/22/2010 _____		01/22/2010		
/1	btradewe 01/24/2010	jdye 01/25/2010	rschluet 01/25/2010 _____		mbarman 01/25/2010	mbarman 01/25/2010	

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1/2/10

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Tradewell, Becky

From: Michalak, Michelle
Sent: Friday, January 08, 2010 5:43 PM
To: Michalak, Michelle; Tradewell, Becky
Subject: RE: FYI AA to AB 578

Hi Becky,

Below are the changes/amendments we would like to have drafted for AB 578. If we could combine the previous two amendments into one big amendment (substitute) I think that would make it easier on the committee when they take Executive Action.

- ✓ Page 5, line 16 after "Ecologo standard" add "or by the federal environmental protection agency's comprehensive procurement guidelines for paper products."
- ✓ Page 5, line 19 after "EcoLogo standard" add "or by the federal environmental protection agency's comprehensive procurement guidelines for paper products."
- ✓ Page 6, delete the material contained in par. (c) in lines 1 through 5.
- ✓ Page 7, after line 22 add the paragraph, "Notwithstanding par. (e) or (f), the department shall not create new standards for paper products nor modify existing standards for those products established in this section."

The third change (delete par. (c)) requires some explanation. That paragraph currently reads, "(c) Selecting approving entity. In promulgating the rules under par. (b) for the products identified in par (b) 2 to 5, the department may require the use of products approved by one of the entities or may specify more than one entity whose approval is acceptable, giving preference to entities whose standards are most protective of human health and preventive of the spread of infection and disease."

I've read this paragraph 20 times and can't figure out what its purpose is in the bill. The bill requires that the initial rules contain the specified standards, but this paragraph seems to contradict that requirement by allowing the department to select a single standard. Other language in the bill empowers the department to add new standards or products and to give preference to those standards that protect human health and prevent the spread of disease. So its not clear to me why this paragraph exists. I would suggest that it be deleted, which would remove a contradictory and confusing provision.

- ✓ On page 6, delete par. (c), lines 1 through 5
- ✓ On page 6, amend the material in lines 6 through 10 as follows: "(d) Initial rules for cleaning systems. In the initial rules under this subsection, the department shall include a requirement to use a cleaning system approved by the Greenguard Environmental Institute under its Children and Schools standard for any cleaning use for which Greenguard Environmental Institute has approved a cleaning system or the department may require the use of a additional or different cleaning system or systems approved by entities other than the Greenguard Environmental Institute if it is determined that system or systems are protective of human health and preventive of the spread of infection and disease."
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- ✓ Also we would like to include that the Council should meet no more than 4 times a year.

Please let me know if you have any questions or concerns. We would like to have the amendment in time for the Executive Session in the Natural Resources Committee on Wednesday, January 13th.

Thanks so much,

Shelle

01/11/2010

Shelle Michalak

Office of State Representative Cory Mason

Room 321 East, State Capitol

PO Box 8953

Madison, WI 53708

Phone: (608) 266-0634 Toll free: (888) 534-0062

Fax: (608) 282-3662

Email: Michelle.Michalak@legis.wisconsin.gov

From: Michalak, Michelle

Sent: Friday, January 08, 2010 3:09 PM

To: Tradewell, Becky

Subject: FYI AA to AB 578

Hi Becky,

Rep. Mason would like to have a few more amendments drafted for AB 578 – I will keep you posted.

It may be best if we can combine the other two AA into the coming amendments into a sub.

Thanks,

Shelle

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Fax: (608) 282-3662

Email: Michelle.Michalak@legis.wisconsin.gov

01/11/2010

Tradewell, Becky

From: Michalak, Michelle
Sent: Monday, December 21, 2009 2:20 PM
To: Michalak, Michelle; Tradewell, Becky
Subject: RE: Drafting request for amendment to AB 578

Also, if it is possible to also include that all we expect from DHS is to send a staffer to quarterly meetings.

If we could also clarify that NO INSPECTIONS are needed for this bill.

Thanks – SM

Shelle Michalak

Office of State Representative Cory Mason
Room 321 East, State Capitol
PO Box 8953
Madison, WI 53708

—
Phone: (608) 266-0634 Toll free: (888) 534-0062

Fax: (608) 282-3662

Email: Michelle.Michalak@legis.wisconsin.gov

From: Michalak, Michelle
Sent: Monday, December 21, 2009 2:16 PM
To: Tradewell, Becky
Subject: Drafting request for amendment to AB 578

Hi Becky,

My apologies for not getting this to you sooner. We are hoping to craft an amendment to AB 578 (LRB 0136/7). I have typed up what we'd like the amendment to address. Please let me know if you have any comments, questions or concerns.

1. State "owned" buildings – what about leased buildings? – Molepske asked at Public Hearing
 - a. Insert in Section 2. 254.564 (1) Definitions to included leased state buildings
2. Cost savings – eliminate requirement for website.
 - a. Delete Section 2. 254.564 (1) Definitions item 5 – Internet site. The department shall maintain an Internet site that show the political subdivisions, school districts, and institutions that comply with the requirements under this section.

Thanks,

Shelle

12/21/2009



State of Wisconsin
2009 - 2010 LEGISLATURE

LRBa1237/1
RCT:wj:md

ASSEMBLY AMENDMENT ,
TO 2009 ASSEMBLY BILL 578

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 4, line 14: after “owned” insert “or leased”.

3 **2.** Page 5, line 2: after “owned” insert “or leased”.

4 **3.** Page 8, line 17: after “owned” insert “or leased”.

5 **4.** Page 9, line 20: delete lines 20 to 22 and substitute:

6 “(5m) INSPECTIONS NOT REQUIRED. The department is not required to make any
7 inspections for the program under this section.”.

8 (END)



State of Wisconsin
2009 - 2010 LEGISLATURE

LRBa1249/1
RCT:bjk:md

ASSEMBLY AMENDMENT ,
TO 2009 ASSEMBLY BILL 578

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 5, line 2: after that line insert:

3 “(am) *Sanitizers*. In the rules under this subsection, the department may not
4 prohibit the use in accordance with responsible cleaning procedures of disinfectants,
5 sanitizers, or any other antimicrobial products registered under the federal
6 Insecticide, Fungicide, and Rodenticide Act, 7 USC 136 to 136y, when necessary to
7 protect public health.”.

8 (END)

Tradewell, Becky

From: Tradewell, Becky
Sent: Monday, January 11, 2010 11:12 AM
To: Michalak, Michelle
Subject: RE: FYI AA to AB 578

Shelly,

1. Concerning the third change: My understanding of the green cleaning proposal originally was that DHS was supposed to decide which entity's standards were best and require the use of products approved by that entity. As the proposal developed, I understood that the proposal should give DHS the flexibility to select one or more of the entities whose approval would be acceptable. That is why par (c) is there. If the intent is that DHS must allow the use of a product approved by any of the entities, I will make the changes necessary to accomplish that.
2. About adding references to EPA's comprehensive procurement guidelines: I do not believe that EPA exactly approves products under this program. This is how EPA describes its comprehensive procurement guidelines:

EPA is required to designate products that are or can be made with recycled content, and to recommend practices for buying these products. Once a product is designated, procuring agencies are required to purchase it with the highest recovered material content level practicable.

EPA's regulations making the product designations simply list kinds of products (40 Code of Federal Regulations Part 247) to which the requirement to purchase with recycled content applies. The regulations do not include standards for the products or indicate that EPA grants approvals of specific products. Once EPA designates a product, it issues a recovered materials advisory notice:

EPA's Recovered Materials Advisory Notice (RMAN) recommends that procuring agencies establish minimum content standards expressed as a percentage of recovered fiber, including a percentage of postconsumer fiber.

For example, the RMAN for paper recommends that agencies establish minimum recycled content standards for bathroom tissue of 20 to 100% recovered fiber and 20 to 60% postconsumer fiber.

EPA has a Comprehensive Procurement Guideline supplier directory, but the directory only lists companies that submit information to EPA that shows that the companies supply products that meet the recycled content recommendations (I think that these companies might not necessarily be the manufacturers of the products they supply). I would also think that a company might supply products that meet the recycled content recommendations and products that do not.

If some reference to this program is to be added, it will require a different approach than just adding the language requested below. For example, it might work to say something like "or to use toilet paper that meets the EPA recommended minimum content standards under the comprehensive procurement guideline program and that is provided by a supplier listed in the

EPA comprehensive procurement guideline supplier directory."

Should I go ahead with something like that?

Becky

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Sent: Friday, January 08, 2010 5:43 PM
To: Michalak, Michelle; Tradewell, Becky
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Please let me know if you have any questions or concerns. We would like to have the amendment in time for the Executive Session in the Natural Resources Committee on Wednesday, January 13th.

Thanks so much,
Shelle

01/11/2010

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Tradewell, Becky

From: Michalak, Michelle
Sent: Monday, January 11, 2010 3:37 PM
To: Tradewell, Becky
Subject: FW: FYI AA to AB 578

Here is further information about the amendments. Hopefully this makes sense and you'll get a call from Jeff this afternoon.

Shelle Michalak

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Phone: (608) 266-0634 Toll free: (888) 534-0062
Fax: (608) 282-3662
Email: Michelle.Michalak@legis.wisconsin.gov

From: Carey, Raymond R. (Madison) [<mailto:RCarey@foley.com>]
Sent: Monday, January 11, 2010 3:20 PM
To: Michalak, Michelle
Cc: Jeff Neubauer
Subject: RE: FYI AA to AB 578

Shelle,

On the first comment from Becky, the answer is that the bill should be drafted so that any product approved by the listed entities may be used. The department, working with the Council, has the ability to review those standards, or add standards, at a later date, but the **initial** rules should contain all three standards (greenseal, ecologo and epa). Review of those existing standards or adding standards at a later date is authorized in par. (f). We are trying to maximize flexibility of this law at the outset and then, based on how it works and how standards evolve, the Council and the department can make future course corrections. So par. (c) should be deleted.

On the second comment concerning EPA's comprehensive procurement guidelines ("CPG"), as I think Jeff may have mentioned to you, there are several components to each CPG recommendation and they evolve over time, so it doesn't make sense to be too specific. Neither can I think of any reason to have language related to suppliers. So, we should ask for the following language, " or toilet paper that meets recommended standards published under the environmental protection agency's comprehensive procurement guidelines for paper and paper products." And similar language for paper napkins/towels. I think this would get around the "approved" vs. "recommended" issue she raises in her email.

Ray

From: Michalak, Michelle [<mailto:Michelle.Michalak@legis.wisconsin.gov>]

01/11/2010

Sent: Monday, January 11, 2010 11:22 AM
To: Carey, Raymond R. (Madison); Jeff Neubauer
Subject: FW: FYI AA to AB 578

Just got this now.... Please see

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Email: Michelle.Michalak@legis.wisconsin.gov

01/11/2010

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1/11/2009

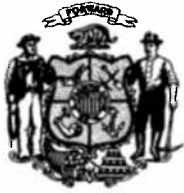
Per Jeff Neubauer -

1. He is unsure exactly what EPA's CPGs entail. He suggests eliminating reference to "minimum content."

2. The intent with respect to the paper products is that they use the current Ecologo or Green Seal, or EPA standard and that it never change. So don't require approval, just require meeting standard that is in effect today.

3. Cleaning systems - want to allow for other organizations certification to be used if they are developed within the 3 years or so before initial rule takes effect. Should allow other entities approval of cleaning systems as well, after the initial rules.

RJ



State of Wisconsin
2009 - 2010 LEGISLATURE

Wanted by Noon, Fees!

Assembly Substitute Amendment

S 0236/P10

LRB-0136/7

RCT:kjf&jld:md

stays rmnv

to **2009 ASSEMBLY BILL 578**

LPS-CHECK
auto refs please

DNW

November 12, 2009 - Introduced by Representatives MASON, BLACK, BERCEAU, CLARK, PARISI, POPE-ROBERTS, ZEPNICK and GRIGSBY, cosponsored by Senators MILLER and RISSER. Referred to Committee on Natural Resources.

x 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 (political subdivision). DHS must consult with the Council on Healthy and Environmentally Sensitive Cleaning, created by the bill, in promulgating the rules. 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, 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 or more of three specified private groups. The products include restroom cleaners, general purpose cleaners, hand soap, toilet paper and paper towels, vacuum cleaners, and carpet extractors. The initial requirements for using approved products take effect one year after the bill is

ASSEMBLY BILL 578

enacted. DHS may later 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 standard that is practical and promotes healthy and environmentally sensitive cleaning.

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 standard 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 or to authorize the use of a cleaning system approved by either GEI or another specified group if the department determines that the other group's standard is practical and addresses 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.

ASSEMBLY BILL 578

- 1 3. A representative of a producer of cleaning products in this state.
- 2 4. A representative of a labor union that represents workers who use cleaning
- 3 products.
- 4 5. A representative of the organization Wisconsin Association of School Nurses
- 5 or a similar organization.
- 6 6. Two parents of school students.
- 7 7. One school student.
- 8 8. One school principal.
- 9 9. One school teacher.
- 10 10. One school district administrator, as defined in s. 115.001 (8).
- 11 11. One health professional with expertise in public health.

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

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

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

15 **254.565 Healthy and environmentally sensitive cleaning in certain**

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

- 17 (a) “Approved” includes certified and recognized.
- 18 (am) “Campus” has the meaning given in s. 36.05 (3).
- 19 (b) “Charter school” has the meaning given in s. 115.001 (1).
- 20 (bm) “Cleaning system” means cleaning products, materials for applying
- 21 cleaning products, equipment, and instructions for a specified cleaning use.
- 22 (c) “Council” means the council on healthy and environmentally sensitive
- 23 cleaning.
- 24 (d) “Healthy and environmentally sensitive cleaning” means cleaning that
- 25 minimizes adverse impacts on human health and the environment.

ASSEMBLY BILL 578**SECTION 2**

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

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

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

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

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

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

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

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

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

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

14 7. For a building owned ^{or leased} by this state, other than a building on a campus, the
15 department of administration.

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

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

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

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

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

23 1. School buildings.

24 2. Buildings owned by political subdivisions.

25 3. Buildings owned by technical college district boards.

ASSEMBLY BILL 578

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- 4. Buildings on a campus.
- 5. Buildings ^{or leased} owned by this state, other than buildings on a campus.

(2) ✓
 Insert
 3
 5-2
 from 2/27

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

- 1. A requirement to use hand cleaners and hand soap approved by Green Seal, Inc.
- 2. A requirement to use general purpose cleaners, restroom cleaners, glass cleaners, and carpet cleaners that are approved by Green Seal, Inc.; by TerraChoice Environmental Marketing, Inc., under its EcoLogo standard; or by the federal environmental protection agency under its Design for the Environment Program.
- 3. A requirement to use laundry care products that are approved by TerraChoice Environmental Marketing, Inc., under its EcoLogo standard, or by the federal environmental protection agency under its Design for the Environment Program.
- 4. A requirement to use toilet paper that is approved by Green Seal, Inc., or by TerraChoice Environmental Marketing, Inc., under its EcoLogo standard
- 5. A requirement to use paper towels and paper napkins that are approved by Green Seal, Inc., or by TerraChoice Environmental Marketing, Inc., under its EcoLogo standard
- 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.
- 7. A requirement to use carpet extractors that are approved by the Carpet and Rug Institute under its Seal of Approval Program.

Insert 15-5 ✓
 Insert 15-6 ✓
 Insert 15-7 ✓
 Insert 15-19 ✓

ASSEMBLY BILL 578

SECTION 2

1 (c) *Selecting approving entity.* In promulgating the rules under par. (b) for the
 2 products identified in par. (b) 2. to 5., the department may require the use of products
 3 approved by one of the entities or may specify more than one entity whose approval
 4 is acceptable, giving a preference to entities whose standards are most protective of
 5 human health and preventive of the spread of infection and disease.

6 (d) *Initial rules for cleaning systems.* In the initial rules under this subsection,
 7 the department ~~shall~~ ^{may} include a requirement to use a cleaning system approved by the
 8 Greenguard Environmental Institute under its Children and Schools standard for
 9 ~~any~~ cleaning use for which the Greenguard Environmental Institute has approved
 10 a cleaning system. ^{Insert 6-10}

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

for cleaning systems

other than a paper product

ASSEMBLY BILL 578

✓, other than a paper product,

1 for a type of product for janitorial or sanitation use for which a standard has not been
2 adopted.

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

✓ 1, 3, 6, or 7.

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

✓ 1, 3, 6, or 7.

12 3. Whenever Greenguard Environmental Institute modifies its Children and

Insert 7-12

13 Schools standard, the department, in consultation with the council, shall review the

14 modified standard and determine whether to continue to require approval by

that entity

15 Greenguard Environmental Institute under its Children and Schools standard. The

16 department, in consultation with the council, may modify the initial rules

Insert 7-16

17 promulgated under par. (d) to specify another entity whose approval of cleaning
18 systems is also acceptable or to require approval of cleaning systems by an entity
19 other than Greenguard Environmental Institute if the department determines that
20 the other entity's standard addresses other health or environmental concerns in
21 addition to indoor air quality, is practical, and is protective of human health and
22 preventive of the spread of infection and disease.

23 (g) *Providing information.* The department shall provide information about
24 the rules under this subsection, including modifications to the rules, to each school

1 board, to the governing body of each charter school, and to the governing body of each
2 private school with 50 or more students.

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

8 (am) 1. Except as provided in pars. (c) and (d), beginning on the first day of the
9 24th month beginning after the effective date of this paragraph [LRB inserts
10 date], each responsible person for a school, a building that is owned by a technical
11 college, or a building on a campus shall ensure that the rules promulgated under sub.
12 (2) (d) are complied with in the building for which the responsible person is
13 responsible.

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

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

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

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

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

12 (4) COUNCIL. (a) The council shall advise the department on the program under
13 this section. The council shall review the rules under sub. (2) at least every 3 years

14 and provide recommendations on changes to the rules. ^{per} ~~The council may not meet more~~
than 4 times ~~per~~ year.

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

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

Incl
From
a 12/31/11

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

23 **SECTION 3. Nonstatutory provisions.**

24 (1) RULE MAKING.

ASSEMBLY BILL 578

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

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

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

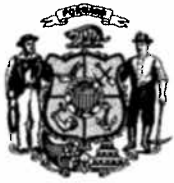
19 (a) The members under section 15.197 (5) (b) 3. and 9. of the statutes, as created
 20 by this act, and one of the members appointed under section 15.197 (5) (b) 6. of the
 21 statutes, as created by this act, for terms expiring on July 1, 2012.

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

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

4 (END)

Note
←
↓



~~ASSEMBLY AMENDMENT ,
TO 2009 ASSEMBLY BILL 578~~

1 At the locations indicated, amend the bill as follows:

2 1. Page 5, line 2: after that line insert:

3 (am) *Sanitizers*. In the rules under this subsection, the department may not
4 ^{Insert} prohibit the use in accordance with responsible cleaning procedures of disinfectants,
5 ^{S-2} sanitizers, or any other antimicrobial products registered under the federal
6 Insecticide, Fungicide, and Rodenticide Act, 7 USC 136 to 136y, when necessary to
7 protect public health.

8

~~NONDU~~

2009-2010 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBs0230/P1ins
RCT:.....

1 **Insert 5-15**

2 ~~RS~~ meets the standards, in effect on the effective date of this [✓] subdivision [LRB
3 inserts date], of ~~RS~~

4 **Insert 5-16**

5 ~~RS~~ program, or that meets the recommended standards of the federal
6 environmental protection agency [✓] under its comprehensive procurement guidelines,
7 in effect on the effective date of this [✓] subdivision [LRB inserts date]

8 **Insert 5-17**

9 ~~RS~~ meet the standards, in effect on the effective date of this [✓] subdivision [LRB
10 inserts date], of ~~RS~~

11 **Insert 5-19**

12 ~~RS~~ program, [✓] or that meet the recommended standards of the federal
13 environmental protection agency [✓] under its comprehensive procurement guidelines,
14 in effect on the effective date of this [✓] subdivision

15 **Insert 6-10**

16 ~~RS~~ or, if the department [✓] determines that another entity has standards for cleaning
17 systems [✓] that are protective of human health and preventive of the spread ^{of} infection
18 and disease, [✓] the department may ^{instead} require use of a cleaning system approved by the
19 other entity or ^{may require use of a cleaning system approved} by either the Greenguard Environmental Institute or the other entity. ~~NO~~

20 **Insert 7-12**

21 ~~RS~~ an entity whose approval is required under par. (d) [✓] modifies the standard on
22 which its approval is based ~~NO~~

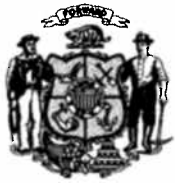
23 **Insert 7-16**



INS
7-16

- ① ~~NO~~ ~~FA~~ ⁵ shall periodically review the standards of entities that approve cleaning
2 systems to determine whether to continue to require approval of cleaning systems
3 by entities designated in rules under par. (d) [✓] or under this subdivision [✓] and whether
4 to designate other entities to provide approval of cleaning systems instead of or in
5 addition to approval by the designated entities. [✓]

(end ins)



ASSEMBLY AMENDMENT,
TO 2009 ASSEMBLY BILL 578

1 At the locations indicated, amend the bill as follows:

2 ✓ 1. Page 4, line 14: after "owned" insert "or leased".

3 ✓ 2. Page 5, line 2: after "owned" insert "or leased".

4 ✓ 3. Page 8, line 17: after "owned" insert "or leased".

5 ✓ 4. Page 9, line 20: delete lines 20 to 22 and substitute:

6 *Insert* (5m) INSPECTIONS NOT REQUIRED. ✓ The department is not required to make any

79-19 inspections for the program under this section. ✓

8

~(END)~

DNote

LRB 50230/Pl dr
RET: JLD

Please note that I put the prohibition on ^{changing} changing or adding standards for paper products in proposed S. 254.565 (2)^v(e) and (f)^v rather in a separate paragraph.

Please contact me with any questions or concerns.

RET

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

LRBs0230/P1dn
RCT:jld:rs

January 12, 2010

Please note that I put the prohibition on changing or adding standards for paper products in proposed s. 254.565 (2) (e) and (f) rather in a separate paragraph.

Please contact me with any questions or concerns.

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

Tradewell, Becky

From: Michalak, Michelle
Sent: Wednesday, January 13, 2010 6:33 PM
To: Michalak, Michelle; Tradewell, Becky
Subject: RE: Touching base

Hi Becky,

I was able to touch base with Mr. Neubauer this afternoon and connected him to Rep. Mason. We have some suggested language and changes for the substitute amendment.

- 1.) Prohibit penalties from being enforced to schools/buildings etc that do not conform to the standards set in the bill
- 2.) We may be working with various groups and could possibly add another member to the Council (language/information pending, just keeping you in the loop of the possibility) I will let you know if we decide to move forward on this item.
- ✓3.) Need to clarify hand sanitizers language, page 4, lines 3 -7 and line 10. I believe you received information regarding this requested change – if not please let me know so I can get you the specific information.
- 4.) We hope to do some major work regarding GreenGuard – language is forthcoming
- ✓5.) Page 7, line 16, Paragraph c & d – **c is now gone**. And on line 22 that instead of having **24 months** after the bill is effective **to 36 months**.
- 6.) Page 8, line 9 reprieve if it costs more under the responsible person's cleaning costs for the year – I can give you more info if needed. Just let me know
- ✓7.) Page 9, line 1, implies that the Council can only give 1 award, we should change this so that the Council can give more than 1 award – **please make plural**.

It's been a crazy day over here so my apologies if some of the suggested changes to the sub do not make sense. I'm available tomorrow to talk more details.

Thanks again for all of your work on this bill.

Shelle

Shelle Michalak

Office of State Representative Cory Mason

Room 321 East, State Capitol

PO Box 8953

Madison, WI 53708

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Phone: (608) 266-0634 Toll free: (888) 534-0062

Fax: (608) 282-3662

Email: Michelle.Michalak@legis.wisconsin.gov

From: Michalak, Michelle
Sent: Wednesday, January 13, 2010 11:14 AM
To: Tradewell, Becky
Subject: RE: Touching base

Hi Becky,

Thanks for keeping me in the loop. Hopefully I can connect with Jeff today and get that additional info to you in a timely fashion.

Best,

Tradewell, Becky

From: Michalak, Michelle
Sent: Wednesday, January 20, 2010 11:08 AM
To: Tradewell, Becky
Subject: Sub revisions for AB 578

AB 578, Green Cleaning for a Healthier Wisconsin
AA Substitute Amendment Revisions

- √1. In Section 15.197 (5)b, please add after line 11:
 - a. A representative of the UW System
 - b. A representative of WTCS
 - c. A representative of the School Administrators who has a professional background in the supervision and expertise of building maintenance

- √2. Please include language that ensures the Council or DHS will issue NO penalties or fines for compliance with the state statute.
- √3. On Page 8, line 9 instead of “24th month” for the second phase of “compliance” allot **36 months** from the date the bill is signed into law for custodial training, allow schools to have 36 months to fall into the requirements.
- √4. On Page 9, (d) “person provides to the department documentation demonstrating that complying with the requirement would increase the responsible person’s cleaning costs for the year” – insert additional requirement that the person responsible should file an annual report documenting why it costs them more money. This should be submitted to the Department with a letter and attached bids.
- √5. On Page 9, (c) line 17 please change so that it reads “awards” – plural. So the Council can give out more than one.
6. Cleaning Systems all should comply within 3 years:
 - a. GS 42
 - b. Healthy Schools – Quick & Easy Guide
 - c. International Sanitary System - Sims GB
 - d. GreenGuard System

Have to use the elements of the systems – however – buildings DO NOT need to be certified.

(Notes: The four systems above offer a variety of procedures and criteria’s – allowing a variety of cleaning systems to select. The Healthy Schools Quick & Easy Guide is free and GG system is the only one that ties in air quality into health impact.)

- √7. Hand sanitizers – this should be included in sanitizers section of the bill
- √8. Fiscal Note –
 - a. Set Implementation date → July 1, 2011.

Additional notes to self: Included in previous amendments – Council can’t meet more than 4 times a year, disinfectants, owned & leased buildings, no inspections

Call me with any questions.

Best,

01/20/2010

Shelle

Shelle Michalak

Office of State Representative Cory Mason

Room 321 East, State Capitol

PO Box 8953

Madison, WI 53708

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Phone: (608) 266-0634 Toll free: (888) 534-0062

Fax: (608) 282-3662

Email: Michelle.Michalak@legis.wisconsin.gov

Tradewell, Becky

From: Michalak, Michelle
Sent: Wednesday, January 20, 2010 1:20 PM
To: Michalak, Michelle; Tradewell, Becky
Subject: RE: Sub revisions for AB 578

Hi Becky,

I was reading this over and want to make sure the reports are submitted annually.

On Page 9, (d) “person provides to the department documentation demonstrating that complying with the requirement would increase the responsible person’s cleaning costs for the year” – insert additional requirement that the person responsible should file an annual report documenting why it costs them more money. This should be submitted to the Department with a letter and attached bids. **(This has to happen on an annual basis)**

Shelle Michalak

Office of State Representative Cory Mason

Room 321 East, State Capitol

PO Box 8953

Madison, WI 53708

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Phone: (608) 266-0634 Toll free: (888) 534-0062

Fax: (608) 282-3662

Email: Michelle.Michalak@legis.wisconsin.gov

From: Michalak, Michelle
Sent: Wednesday, January 20, 2010 11:08 AM
To: Tradewell, Becky
Subject: Sub revisions for AB 578

AB 578, Green Cleaning for a Healthier Wisconsin
AA Substitute Amendment Revisions

1. In Section 15.197 (5)b, please add after line 11:
 - a. A representative of the UW System
 - b. A representative of WTCS
 - c. A representative of the School Administrators who has a professional background in the supervision and expertise of building maintenance
2. Please include language that ensures the Council or DHS will issue NO penalties or fines for compliance with the state statute.
3. On Page 8, line 9 instead of “24th month” for the second phase of “compliance” allot **36 months** from the date the bill is signed into law for custodial training, allow schools to have 36 months to

fall into the requirements.

4. On Page 9, (d) “person provides to the department documentation demonstrating that complying with the requirement would increase the responsible person’s cleaning costs for the year” – insert additional requirement that the person responsible should file an annual report documenting why it costs them more money. This should be submitted to the Department with a letter and attached bids.
5. On Page 9, (c) line 17 please change so that it reads “awards” – plural. So the Council can give out more than one.
6. Cleaning Systems all should comply within 3 years:
 - a. GS 42
 - b. Healthy Schools – Quick & Easy Guide
 - c. International Sanitary System - Sims GB
 - d. GreenGuard System

Have to use the elements of the systems – however – buildings DO NOT need to be certified.

(Notes: The four systems above offer a variety of procedures and criteria’s – allowing a variety of cleaning systems to select. The Healthy Schools Quick & Easy Guide is free and GG system is the only one that ties in air quality into health impact.)

7. Hand sanitizers – this should be included in sanitizers section of the bill
8. Fiscal Note –
 - a. Set Implementation date → July 1, 2011.

Additional notes to self: Included in previous amendments – Council can’t meet more than 4 times a year, disinfectants, owned & leased buildings, no inspections

Call me with any questions.

Best,

Shelle

Shelle Michalak

Office of State Representative Cory Mason

Room 321 East, State Capitol

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Madison, WI 53708

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Email: Michelle.Michalak@legis.wisconsin.gov

Tradewell, Becky

From: Michalak, Michelle
Sent: Wednesday, January 20, 2010 2:02 PM
To: Michalak, Michelle; Tradewell, Becky
Subject: RE: Sub revisions for AB 578

Hi Becky,

I've got some more information on the cleaning systems. Sorry for the multiple emails this morning. I was trying to condense most of it for you. My apologies.

(d) Initial rules for cleaning systems. In the initial rules under these subsections for cleaning systems, the Department may include a requirement to use a cleaning system approved by:

1. Cleaning Systems all should comply within 3 years:
 - ✓ a. Green Seal's Environmental Standard for Commercial and Institutional Cleaning services (GS-42), or
 - ✓ b. Healthy Schools Campaign – Quick & Easy Guide to Green Cleaning in Schools, or
 - ✓ c. International Sanitary Supply Association (ISSA) – Cleaning Industry Management Standard for Green Buildings, or
 - ✓ d. Greenguard Environmental Institute under it's Children & Schools standard for a cleaning used which the Greenguard Enviro. Institute has approved a cleaning system

The Department may approve the use of additional or different cleaning systems as defined, described or created by other entities if it is determined that the system or systems are protected of human health or preventative of the spread of infections and disease by any third party organization that certifies or approves cleaning systems.

Shelle Michalak

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Email: Michelle.Michalak@legis.wisconsin.gov

From: Michalak, Michelle
Sent: Wednesday, January 20, 2010 1:20 PM
To: Michalak, Michelle; Tradewell, Becky
Subject: RE: Sub revisions for AB 578

Hi Becky,

I was reading this over and want to make sure the reports are submitted annually.

01/20/2010

Tradewell, Becky

From: Michalak, Michelle
Sent: Thursday, January 21, 2010 10:25 AM
To: Michalak, Michelle; Tradewell, Becky
Subject: RE: Sub revisions for AB 578

Hi Becky,

I've got some more information on the cleaning systems – just simple language tweaks.

(d) Initial rules for cleaning systems. In the initial rules under these subsections for cleaning systems, the Department SHALL INCLUDE a requirement to IMPLEMENT a cleaning system approved, DESCRIBED OR DEVELOPED by:

1. Cleaning Systems all should comply within 3 years:
 - a. Green Seal's Environmental Standard for Commercial and Institutional Cleaning services (GS-42), or
 - b. Healthy Schools Campaign – Quick & Easy Guide to Green Cleaning in Schools, or
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 - d. Greenguard Environmental Institute under it's Children & Schools standard for a cleaning used which the Greenguard Enviro. Institute has approved a cleaning system

The Department may approve the use of additional or different cleaning systems as APPROVED, described or DEVELOPED by other 3RD PARTY ORGANIZATIONS THAT certify, approve, DESCRIBE, OR DEVELOP CLEANING SYSTEMS if it is determined that the CLEANING systems are protective of human health or preventative of the spread of infection and disease AND ARE PRACTICAL AND PROMOTE ENVIRONMENTAL SENSITIVE CLEANING.

- Sorry for the CAPS, thought it would be easy to see the suggested changes.

Please let me know if you have any questions or concerns.

Thanks

Shelle Michalak

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From: Michalak, Michelle
Sent: Wednesday, January 20, 2010 2:02 PM
To: Michalak, Michelle; Tradewell, Becky
Subject: RE: Sub revisions for AB 578

01/21/2010

Hi Becky,

I've got some more information on the cleaning systems. Sorry for the multiple emails this morning. I was trying to condense most of it for you. My apologies.

(d) Initial rules for cleaning systems. In the initial rules under these subsections for cleaning systems, the Department may include a requirement to use a cleaning system approved by:

2. Cleaning Systems all should comply within 3 years:
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Sent: Wednesday, January 20, 2010 1:20 PM
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Subject: RE: Sub revisions for AB 578

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