



State of Wisconsin
2009 - 2010 LEGISLATURE

LRBs0230/P1 2
RCT:kjf&jld:rs

Wanted ^{today} from, if possible

MMY

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION
ASSEMBLY SUBSTITUTE AMENDMENT,
TO 2009 ASSEMBLY BILL 578**

OWate

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 →

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

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

6 15.197 (5) COUNCIL ON HEALTHY AND ENVIRONMENTALLY SENSITIVE CLEANING. (a)

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

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

- 10 1. The superintendent of public instruction or the superintendent's designee.
- 11 2. The secretary of natural resources or the secretary's designee.

- 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 ¹⁴11 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.

- 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
- 15 campus, the 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.

1 4. Buildings on a campus.

2 5. Buildings owned or leased by this state, other than buildings on a campus.

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. *or of hand sanitizers*

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

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

12 2. A requirement to use general purpose cleaners, restroom cleaners, glass
13 cleaners, and carpet cleaners that are approved by Green Seal, Inc.; by TerraChoice
14 Environmental Marketing, Inc., under its EcoLogo standard; or by the federal
15 environmental protection agency under its Design for the Environment Program.

16 3. A requirement to use laundry care products that are approved by
17 TerraChoice Environmental Marketing, Inc., under its EcoLogo standard, or by the
18 federal environmental protection agency under its Design for the Environment
19 Program.

20 4. A requirement to use toilet paper that meets the standards, in effect on the
21 effective date of this subdivision ... [LRB inserts date] *of January 1, 2010* of Green Seal, Inc., or of
22 TerraChoice Environmental Marketing, Inc., under its EcoLogo program, or that
23 meets the recommended standards of the federal environmental protection agency
24 under its comprehensive procurement guidelines, in effect on the effective date of
25 this subdivision ... [LRB inserts date] *of January 1, 2010*

1 5. A requirement to use paper towels and paper napkins meet the standards,
 2 in effect on ^{January, 2010} ~~the effective date of this subdivision ... [LRB inserts date]~~ of Green Seal,
 3 Inc., or of TerraChoice Environmental Marketing, Inc., under its EcoLogo program,
 4 or that meet the recommended standards of the federal environmental protection
 5 agency under its comprehensive procurement guidelines, in effect on the effective
 6 date of this subdivision ... [LRB inserts date] ^{January, 2010}

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

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

12 (d) *Initial rules for cleaning systems.* In the initial rules under this subsection
 13 for cleaning systems, the department ^{shall} ~~may~~ include a requirement to use ^{Inserts 5-13} a cleaning
 14 system approved by ^{Inserts 5-14} the Greenguard Environmental Institute, under its Children
 15 and Schools standard for a cleaning use for which the Greenguard Environmental
 16 Institute has approved a cleaning system, ^{Inserts 5-16} ~~or~~ if the department determines that
 17 another ^{the is} ~~entity~~ ^{is} ~~has~~ standards for cleaning systems that ^{is} ~~are~~ protective of human
 18 health and preventive of the spread of infection and disease, ~~the department may~~
 19 instead require use of a cleaning system approved by the other entity or may ^{authorize} ~~require~~
 20 use of a cleaning system approved by either the Greenguard Environmental
 21 Institute or the other entity.

22 (e) *Additional rules for products for janitorial or sanitation use.* After
 23 promulgating the rules under par. (b), the department, in consultation with the
 24 council, may promulgate rules requiring approval by a specified entity or may specify
 25 more than one entity whose approval is acceptable for a type of product, other than

~~and~~, is practical, and promotes environmentally sensitive cleaning

1 a paper product, for janitorial or sanitation use, in addition to the types of products
 2 covered in par. (b), if Green Seal, Inc., or TerraChoice Environmental Marketing,
 3 Inc., has adopted a standard for the type of product or if the federal environmental
 4 protection agency has adopted a voluntary standard for the type of product. The
 5 department is not required to select Green Seal, Inc., TerraChoice Environmental
 6 Marketing, Inc., or the federal environmental protection agency as an entity whose
 7 approval is ~~required~~ ^{acceptable} for a type of product, but may select any entity if the department
 8 determines that the entity's standard is practical and promotes healthy and
 9 environmentally sensitive cleaning. The department may request Green Seal, Inc.,
 10 TerraChoice Environmental Marketing, Inc., or the federal environmental
 11 protection agency to adopt a standard for a type of product, other than a paper
 12 product, for janitorial or sanitation use for which a standard has not been adopted.

13 (f) *Modifying rules.* 1. The department, in consultation with the council, may
 14 promulgate rules that modify the rules promulgated under par. (b) 1. to 3., 6., or 7.
 15 or (e).

16 2. Whenever an entity whose approval is ~~required~~ ^{acceptable} under a rule promulgated
 17 under par. (b) 1. to 3., 6., or 7. or (e) modifies the standard on which its approval is
 18 based, the department, in consultation with the council, shall review the modified
 19 standard and determine whether to continue to ~~require~~ ^{accept} approval by that entity.
 20 Under this subdivision, the department may ~~require~~ ^{accept} approval by ~~a different~~ ^{another} entity
 21 if the department determines that the other entity's standard is practical and more
 22 protective of human health and preventive of the spread of infection and disease.

23 3. Whenever an entity ~~whose approval is required~~ ^{specified} under par. (d) modifies ~~the~~ ^{its}
 24 standard ~~on which its approval is based~~ ^{for cleaning systems} the department, in consultation with the
 25 council, shall review the modified standard and determine whether to continue to

Insert 7-1

- 1 require approval by that entity. The department, in consultation with the council,
- 2 shall periodically review the standards of entities ^{for} that approve cleaning systems to
- 3 determine whether to continue ^{authorize the use} to require approval of cleaning systems ^{that meet the standards of} by entities
- 4 designated in rules under par. (d) or under this subdivision and whether to designate
- 5 ^{Insert 7-5} other entities to provide approval of cleaning systems instead of or in addition to
- 6 approval by ^{standards of the} the designated entities.

7 (g) *Providing information.* The department shall provide information about
 8 the rules under this subsection, including modifications to the rules, to each school
 9 board, to the governing body of each charter school, and to the governing body of each
 10 private school with 50 or more students.

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

16 (am) 1. Except as provided in pars. (c) and (d), beginning on the first day of the
 17 24th month beginning after the effective date of this paragraph [LRB inserts
 18 date], each responsible person for a school, a building that is owned by a technical
 19 college, or a building on a campus shall ensure that the rules promulgated under sub.
 20 (2) (d) are complied with in the building for which the responsible person is
 21 responsible.

22 (am) 2. Except as provided in pars. (c) and (d), beginning on the first day of the 36th
 23 month beginning after the effective date of this paragraph [LRB inserts date],
 24 each responsible person for a building that is owned by a political subdivision or a
 25 building that is owned or leased by this state, other than a building on a campus,

1 shall ensure that the rules promulgated under sub. (2) (d) are complied with in that
2 building *for which the person is responsible*

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

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

9 (d) A responsible person *may obtain an exemption* is exempt for one year from a requirement in the rules
10 promulgated under sub. (2) relating to the use of a product or cleaning system if the
11 responsible person *submits* provides to the department *insert 8-11* documentation demonstrating that

12 complying with the requirement would increase the responsible person's cleaning
13 costs for the year *insert 8-13-A*

insert 8-13-B

14 (e) *IF* After a requirement in a rule under sub. (2) (d) or (f) 3, *conflicts with a requirement in* to use a cleaning
15 system approved by a specified entity applies to a responsible person, if a cleaning
16 system approved by that entity includes a type of product for janitorial or sanitation
17 use that is also subject to a rule under sub. (2) (b), (e), or (f) 1. or 2., *requirements in the* the rule under
18 sub. (2) (d) or (f) 3. *controls* applies to the responsible person with respect to that type of
19 product rather than the rule under sub. (2) (b), (e), or (f) 1. or 2.

20 (4) COUNCIL. (a) The council shall advise the department on the program under
21 this section. The council shall review the rules under sub. (2) at least every 3 years
22 and provide recommendations on changes to the rules. The council may not meet
23 more than 4 times per year.

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

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

4 (5m) INSPECTIONS NOT REQUIRED. The department is not required to make any
 5 inspections for the program under this section.

Insert
 9-5

6 **SECTION 3. Nonstatutory provisions.**

7 (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) 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)
 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:

1 (a) The members under section 15.197 (5) (b) 3, ^{9, 12,} 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, 201³~~2~~.

4 (b) The members under section 15.197 (5) (b) 4., 7., ^{10,} and ¹³ ~~10~~ of the statutes, as
5 created by this act, for terms expiring on July 1, 201⁴~~3~~.

6 (c) The members under section 15.197 (5) (b) 5., 8., ^{11,} and ¹⁴ ~~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, 201⁵~~4~~.

(END)

9

Insert 10-8

nNote

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

LRBs0230/P2dn
RCT..kjf

Date

This is a redraft of the substitute amendment for the green cleaning bill. Because of the substantial number of changes from the previous (/P1) version, I have done another preliminary version.

I do not understand the concern with the language (in the previous version of this draft) on exemptions due to cost (proposed s. 254.565 (3) (d)), so I am uncertain whether the revised language captures what is intended. If it does not, please provide me with an explanation in ordinary (rather than statutory) language of how the exemptions are intended to work.

The provision prohibiting penalties is in proposed s. 254.565 (6). It does not refer to fines because state agencies do not have the power to impose fines and it does not refer to the council because councils have no powers.

In response to point 8 of the drafting instructions, I have delayed the effective date of the entire proposal until July 1, 2011. Please let me know if that is not what is intended.

Please contact me with any questions or redraft instructions.

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

1

Analysis insert

This substitute amendment 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 or leased 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 substitute amendment, in promulgating the rules. Under the substitute amendment, DHS may grant an exemption from a requirement in the rules (for one year at a time) if a person responsible for complying with the requirement demonstrates that compliance would increase its cleaning costs.

The substitute amendment 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, vacuum cleaners, and carpet extractors. The initial requirements for using approved products take effect one year after the substitute amendment is enacted. DHS may later modify the requirements for approvals for those products. The substitute amendment authorizes DHS to adopt, by rule, an approval requirement for an additional type of product for janitorial or sanitation use, other than a paper product, 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 substitute amendment treats paper products differently than other products. Under the substitute amendment, DHS must include in the initial rules for healthy and environmentally sensitive cleaning, requirements to use toilet paper, paper towels, and paper napkins that meet the standards, in effect on January 1, 2010, of Green Seal, Inc., or TerraChoice Environmental Marketing (which operates the EcoLogo program) or that meet the recommended standards under EPA's comprehensive procurement guidelines. Under the bill, DHS may not change the requirements related to toilet paper, paper towels, and paper napkins or impose an approval requirement for other kinds of paper products.

The substitute amendment also requires DHS to include in its rules requirements concerning cleaning systems. A cleaning system consists of cleaning products, materials for applying the cleaning products, equipment, and instructions for a specified cleaning use. The substitute amendment requires DHS, in its initial rules for cleaning systems, ^{to} require the use of one of the following, beginning in three years:

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X

X

1. A cleaning system that meets the Children and Schools standard, of the Greenguard Environmental Institute (GEI), for any cleaning use for which GEI has approved a cleaning system.

2. A cleaning system that meets the Environmental Standard for Commercial and Institutional Cleaning Services, of Green Seal, Inc.

3. A cleaning system that complies with the Healthy Schools Campaign's Quick and Easy Guide to Green Cleaning in Schools.

4. A cleaning system that meets the Cleaning Industry Management Standard for Green Building, of the International Sanitary Supply Association.

5. A cleaning system that meets the standard of another entity if the standards are protective of human health or preventive of the spread of infection and disease.

The substitute amendment authorizes DHS to later modify the rules specifying standards applicable to cleaning systems.

Insert 2-11

12. A representative of the University of Wisconsin System.

13. A representative of the technical college system.

14. A representative of the Association of Wisconsin School Administrators who

has professional expertise in building maintenance and a background in the supervision of building maintenance.

Insert 5-13

no # one of the following:

1. A

Insert 5-14

no # that meets the Children and Schools standard, of

Insert 5-16

2. A cleaning system that meets the Environmental Standard for Commercial and Institutional Cleaning Services, of Green Seal, Inc.

3. A cleaning system that complies with the Healthy Schools Campaign's Quick and Easy Guide to Green Cleaning in Schools.

4. A cleaning system that meets the Cleaning Industry Management Standard for Green Building, of the International Sanitary Supply Association.

are practical, and promote environmentally sensitive cleaning

1 5. A cleaning system that meets the standard of another entity

2 **Insert 7-1**

3 *no #* authorize the use of cleaning systems that meet that entity's standard

4 **Insert 7-5**

5 *no #* authorize the use of cleaning systems that meet the standards of

6 **Insert 8-11**

7 *no #* a request letter, a report documenting why

8 **Insert 8-13-A**

9 *no #* , and supporting bid documents

10 **Insert 8-13-B**

11 2. A responsible person that has obtained an exemption under subd. 1. for a
12 year may obtain an exemption for a later year only by providing a letter, report, and
13 supporting bid documents, as described in subd. 1., relating to the later year.

14 **Insert 9-5**

15 **(6) NO PENALTIES.** The department may not assess a fee or other penalty for
16 noncompliance with this section.

17 **Insert 10-8**

18 **SECTION 1. Effective date.**

19 (1) This act takes effect on July 1, 2011.

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

LRBs0230/P2dn
RCT:kjf:md

January 21, 2010

This is a redraft of the substitute amendment for the green cleaning bill. Because of the substantial number of changes from the previous (/P1) version, I have done another preliminary version.

I do not understand the concern with the language (in the previous version of this draft) on exemptions due to cost (proposed s. 254.565 (3) (d)), so I am uncertain whether the revised language captures what is intended. If it does not, please provide me with an explanation in ordinary (rather than statutory) language of how the exemptions are intended to work.

The provision prohibiting penalties is in proposed s. 254.565 (6). It does not refer to fines because state agencies do not have the power to impose fines and it does not refer to the council because councils have no powers.

In response to point 8 of the drafting instructions, I have delayed the effective date of the entire proposal until July 1, 2011. Please let me know if that is not what is intended.

Please contact me with any questions or redraft instructions.

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

Tradewell, Becky

From: Michalak, Michelle
Sent: Thursday, January 21, 2010 7:36 PM
To: Tradewell, Becky
Subject: Jan. 21 Follow up on LRBs0230/P2 - Rep. Mason

Hi Becky,

I saw your drafter's note and have responded below in points 1 and 2.

I have a few questions for you – where is the website, awards and can the council be appointed before the rest of the bill goes into effect?

Representative Mason also has two changes to the draft substitute amendment.

Please see below:

- ✓1. The revised language for exemptions for costs are **okay**.
- ✓2. The provision prohibiting penalties is **okay**.
- ✓3. I didn't see any mention of the **awards or the internet site** anywhere in the sub. **Please add back.**
- ✓4. Can we have the council appointed upon passage of the bill, but, the rest of the bill goes into effect on July 1, 2011?
- ✓5. **Please remove Greenguard from (d) 1. page 7 lines 6-8 and insert Greengard into the products section, (b) 2 page 6 line 8, and list last (after EPA Design for the Environment Program)**
- ✓6. **Where Greengard was removed in (d) 1 page 7, please replace with a cleaning system that meets the US Green Buildings Councils LEED for existing building: operation and maintenance rating.**

Please feel free to call me with any questions or concerns. I will be around for awhile tonight.

Thanks,

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: Tradewell, Becky

01/22/2010



Today, if possible

yvr

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION
ASSEMBLY SUBSTITUTE AMENDMENT ,
TO 2009 ASSEMBLY BILL 578**

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 substitute amendment 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 or leased 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 substitute amendment, in promulgating the rules. Under the substitute amendment, DHS may grant an exemption from a requirement in the rules (for one year at a time) if a person responsible for complying with the requirement demonstrates that compliance would increase its cleaning costs.
The substitute amendment requires DHS to include, in the initial rules for healthy and environmentally sensitive cleaning, requirements to use certain

two years ✓
*

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, vacuum cleaners, and carpet extractors. The initial requirements for using approved products take effect one year after the substitute amendment is enacted. DHS may later modify the requirements for approvals for those products. The substitute amendment authorizes DHS to adopt, by rule, an approval requirement for an additional type of product for janitorial or sanitation use, other than a paper product, 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.

four ✓

The substitute amendment treats paper products differently than other products. Under the substitute amendment, DHS must include in the initial rules for healthy and environmentally sensitive cleaning, requirements to use toilet paper, paper towels, and paper napkins that meet the standards, in effect on January 1, 2010, of Green Seal, Inc., or TerraChoice Environmental Marketing (which operates the EcoLogo program) or that meet the recommended standards under EPA's comprehensive procurement guidelines. Under the substitute amendment, DHS may not change the requirements related to toilet paper, paper towels, and paper napkins or impose an approval requirement for other kinds of paper products.

The substitute amendment also requires DHS to include in its rules requirements concerning cleaning systems. A cleaning system consists of cleaning products, materials for applying the cleaning products, equipment, and instructions for a specified cleaning use. The substitute amendment requires DHS, in its initial rules for cleaning systems, to require the use of one of the following, beginning in

✓
four

~~three~~ years:

1. A cleaning system that meets the Children and Schools standard, of the Greenguard Environmental Institute (GEI), for any cleaning use for which GEI has approved a cleaning system.
2. A cleaning system that meets the Environmental Standard for Commercial and Institutional Cleaning Services, of Green Seal, Inc.
3. A cleaning system that complies with the Healthy Schools Campaign's Quick and Easy Guide to Green Cleaning in Schools.
4. A cleaning system that meets the Cleaning Industry Management Standard for Green Building, of the International Sanitary Supply Association.
5. A cleaning system that meets the standard of another entity if the standards are protective of human health or preventive of the spread of infection and disease, are practical, and promote environmentally sensitive cleaning.

certification
standards for certification under the LEED for Existing Buildings:
Operations and Maintenance rate system of the U.S. Green Building
Council NO A
rating

The substitute amendment authorizes DHS to later modify the rules specifying standards applicable to cleaning systems.

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- 2 15.197 (5) COUNCIL ON HEALTHY AND ENVIRONMENTALLY SENSITIVE CLEANING. (a)
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- 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).
- 18 11. One health professional with expertise in public health.
- 19 12. A representative of the University of Wisconsin System.
- 20 13. A representative of the technical college system.

1 14. A representative of the Association of Wisconsin School Administrators who
2 has professional expertise in building maintenance and a background in the
3 supervision of building maintenance.

4 (c) The secretary of health services shall appoint the members under par. (b)
5 3. to 14. for 3-year terms.

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

7 **254.565 Healthy and environmentally sensitive cleaning in certain**
8 **buildings. (1) DEFINITIONS.** In this section:

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

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

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

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

14 (c) "Council" means the council on healthy and environmentally sensitive
15 cleaning.

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

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

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

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

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

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

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

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

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

2 5. For a building owned by a technical college district board, the technical
3 college district board.

4 6. For a building on a campus, the Board of Regents of the University of
5 Wisconsin System.

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

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

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

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

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

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

15 1. School buildings.

16 2. Buildings owned by political subdivisions.

17 3. Buildings owned by technical college district boards.

18 4. Buildings on a campus.

19 5. Buildings owned or leased by this state, other than buildings on a campus.

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

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

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

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

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

13 4. A requirement to use toilet paper that meets the standards, in effect on
14 January 1, 2010, of Green Seal, Inc., or of TerraChoice Environmental Marketing,
15 Inc., under its EcoLogo program, or that meets the recommended standards of the
16 federal environmental protection agency under its comprehensive procurement
17 guidelines, in effect on January 1, 2010.

18 5. A requirement to use paper towels and paper napkins meet the standards,
19 in effect on January 1, 2010, of Green Seal, Inc., or of TerraChoice Environmental
20 Marketing, Inc., under its EcoLogo program, or that meet the recommended
21 standards of the federal environmental protection agency under its comprehensive
22 procurement guidelines, in effect on January 1, 2010.

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

or by the Greenguard Environmental Institute
under its Children and Schools standard

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

3 (d) *Initial rules for cleaning systems.* In the initial rules under this subsection
4 for cleaning systems, the department shall include a requirement to use one of the
5 following:

6 1. A cleaning system that meets the Children and Schools standard, of the
7 Greenguard Environmental Institute, for a cleaning use for which the Greenguard
8 Environmental Institute has approved a cleaning system.

9 2. A cleaning system that meets the Environmental Standard for Commercial
10 and Institutional Cleaning Services, of Green Seal, Inc.

11 3. A cleaning system that complies with the Healthy Schools Campaign's Quick
12 and Easy Guide to Green Cleaning in Schools.

13 4. A cleaning system that meets the Cleaning Industry Management Standard
14 for Green Building, of the International Sanitary Supply Association.

15 5. A cleaning system that meets the standard of another entity, if the
16 department determines that the entity's standard for cleaning systems is protective
17 of human health or preventive of the spread of infection and disease, is practical, and
18 promotes environmentally sensitive cleaning.

19 (e) *Additional rules for products for janitorial or sanitation use.* After
20 promulgating the rules under par. (b), the department, in consultation with the
21 council, may promulgate rules requiring approval by a specified entity or may specify
22 more than one entity whose approval is acceptable for a type of product, other than
23 a paper product, for janitorial or sanitation use, in addition to the types of products
24 covered in par. (b), if Green Seal, Inc., or TerraChoice Environmental Marketing,
25 Inc., has adopted a standard for the type of product or if the federal environmental

standards for certification under the LEED For Existing Buildings: Operations and Maintenance rating system of the U.S. Green Building Council.

1 protection agency has adopted a voluntary standard for the type of product. The
2 department is not required to select Green Seal, Inc., TerraChoice Environmental
3 Marketing, Inc., or the federal environmental protection agency as an entity whose
4 approval is acceptable for a type of product, but may select any entity if the
5 department determines that the entity's standard is practical and promotes healthy
6 and environmentally sensitive cleaning. The department may request Green Seal,
7 Inc., TerraChoice Environmental Marketing, Inc., or the federal environmental
8 protection agency to adopt a standard for a type of product, other than a paper
9 product, for janitorial or sanitation use for which a standard has not been adopted.

10 (f) *Modifying rules.* 1. The department, in consultation with the council, may
11 promulgate rules that modify the rules promulgated under par. (b) 1. to 3., 6., or 7.
12 or (e).

13 2. Whenever an entity whose approval is acceptable under a rule promulgated
14 under par. (b) 1. to 3., 6., or 7. or (e) modifies the standard on which its approval is
15 based, the department, in consultation with the council, shall review the modified
16 standard and determine whether to continue to accept approval by that entity.
17 Under this subdivision, the department may accept approval by another entity if the
18 department determines that the other entity's standard is practical and more
19 protective of human health and preventive of the spread of infection and disease.

20 3. Whenever an entity specified under par. (d) modifies its standard for
21 cleaning systems, the department, in consultation with the council, shall review the
22 modified standard and determine whether to continue to authorize the use of
23 cleaning systems that meet that entity's standard. The department, in consultation
24 with the council, shall periodically review the standards of entities for cleaning
25 systems to determine whether to continue to authorize the use of cleaning systems

1 that meet the standards of entities designated in rules under par. (d) or under this
2 subdivision and whether to authorize the use of cleaning systems that meet the
3 standards of other entities ^{✓ if the standards comply with par. (d) 5.} instead of or in addition to the standards of the designated
4 entities.

5 (g) *Providing information.* The department shall provide information about
6 the rules under this subsection, including modifications to the rules, to each school
7 board, to the governing body of each charter school, and to the governing body of each
8 private school with 50 or more students.

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

14 (am) Except as provided in pars. (c) and (d), beginning on the first day of the
15 36th month beginning after the effective date of this paragraph [LRB inserts
16 date], each responsible person shall ensure that the rules promulgated under sub.
17 (2) (d) are complied with in the building for which the person is responsible.

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

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

24 (d) 1. A responsible person may obtain an exemption for one year from a
25 requirement in the rules promulgated under sub. (2) relating to the use of a product

1 or cleaning system if the responsible person submits to the department a request
2 letter, a report documenting why complying with the requirement would increase the
3 responsible person's cleaning costs for the year, and supporting bid documents.

4 2. A responsible person that has obtained an exemption under subd. 1. for a
5 year may obtain an exemption for a later year only by providing a letter, report, and
6 supporting bid documents, as described in subd. 1., relating to the later year.

7 (e) If a requirement in a rule under sub. (2) (d) or (f) 3. conflicts with a
8 requirement in a rule under sub. (2) (b), (e), or (f) 1. or 2., the requirement in the rule
9 under sub. (2) (d) or (f) 3. controls.

10 (4) COUNCIL. (a) The council shall advise the department on the program under
11 this section. The council shall review the rules under sub. (2) at least every 3 years
12 and provide recommendations on changes to the rules. The council may not meet
13 more than 4 times per year.

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

16 (c) The council may annually give awards for healthy and environmentally
17 sensitive cleaning to political subdivisions, school districts, and institutions of
18 higher education subject to the requirements under this section.

19 (5) INSPECTIONS NOT REQUIRED. The department is not required to make any
20 inspections for the program under this section.

Handwritten notes in a box:
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- 0136/1
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21 (6) NO PENALTIES. The department may not assess a fee or other penalty for
22 noncompliance with this section.

23 SECTION 3. Nonstatutory provisions. *auto ref A*

24 (1) RULE MAKING.

1 (a) The department of health services shall submit in proposed form the rules
2 required under section 254.565 (2) (b) of the statutes, as created by this act, to the
3 legislative council staff under section 227.15 (1) of the statutes no later than the first
4 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 of the statutes, as created by this act, for the period before the effective date of the
8 rules submitted under paragraph (a), but not to exceed the period authorized under
9 section 227.24 (1) (c) and (2) of the statutes. Notwithstanding section 227.24 (1) (a),
10 (2) (b), and (3) of the statutes, the department is not required to provide evidence that
11 promulgating a rule under this paragraph as an emergency rule is necessary for the
12 preservation of the public peace, health, safety, or welfare and is not required to
13 provide a finding of emergency for a rule promulgated under this paragraph.

autob of B
for eff date

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

18 (a) The members under section 15.197 (5) (b) 3., 9., and 12. of the statutes, as
19 created by this act, and one of the members appointed under section 15.197 (5) (b)
20 6. of the statutes, as created by this act, for terms expiring on July 1, 2013. 2

21 (b) The members under section 15.197 (5) (b) 4., 7., 10., and 13. of the statutes,
22 as created by this act, for terms expiring on July 1, 2014. 3

23 (c) The members under section 15.197 (5) (b) 5., 8., 11., and 14. of the statutes,
24 as created by this act, and one of the members appointed under section 15.197 (5) (b)
25 6. of the statutes, as created by this act, for terms expiring on July 1, 2015. 4

Fix component
① SECTION 4. Effective date. NO #

② NO # (1) This act takes effect on July 1, 2011, except as follows: ✓

(END)

3
move →

(#) The treatment of section 15.197 (5) of the statutes and auto ref A of this act ✓

CS Section (1) take effect on the day after publication. ✓
↑ auto ref B

auto ref. nonstat subsection (2), on p. 11

ASSEMBLY BILL 578

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

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

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

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

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

*Insert
10-20*

⁶ ← **(3)**
(f) INTERNET SITE. The department shall maintain an Internet site that shows the political subdivisions, school districts, and institutions that comply with the requirements under this section. ✓ (end ins 10-20)

SECTION 3. Nonstatutory provisions.

(1) RULE MAKING.

Tradewell, Becky

From: Michalak, Michelle
Sent: Friday, January 22, 2010 4:56 PM
To: Tradewell, Becky
Subject: RE: Jan. 21 Follow up on LRBs0230/P2 - Rep. Mason

Hi Becky,

This looks wonderful. Only one change would be to re-insert Greengard into systems and have it listed last, so Page 7 line 18.

Keep GG in products and systems.

Thanks

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: Tradewell, Becky
Sent: Friday, January 22, 2010 8:45 AM
To: Michalak, Michelle
Subject: RE: Jan. 21 Follow up on LRBs0230/P2 - Rep. Mason

Shelle,

The award language continues to be in proposed s. 254.565 (4) (c), see p. 10, lines 16 to 18.

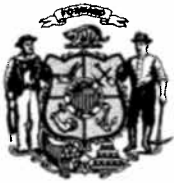
The Internet site was removed as part of one of the two amendments (LRBa1237, instructions sent by email on December 21, 2009) that I was instructed to incorporate into the substitute amendment. I will restore the requirement for an Internet site.

I will narrow the delayed effective date so that it does not apply to the council and make the changes related to Greenguard.

Becky

From: Michalak, Michelle

01/24/2010



Mon a.m.

FWY

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION
ASSEMBLY SUBSTITUTE AMENDMENT ,
TO 2009 ASSEMBLY BILL 578

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 substitute amendment 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 or leased 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 substitute amendment, in promulgating the rules. Under the substitute amendment, DHS may grant an exemption from a requirement in the rules (for one year at a time) if a person responsible for complying with the requirement demonstrates that compliance would increase its cleaning costs.

The substitute amendment 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 four specified private groups. The products include restroom cleaners, general purpose cleaners, hand soap, vacuum cleaners, and carpet extractors. The initial requirements for using approved products take effect two years after the substitute amendment is enacted. DHS may later modify the requirements for approvals for those products. The substitute amendment authorizes DHS to adopt, by rule, an approval requirement for an additional type of product for janitorial or sanitation use, other than a paper product, 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 substitute amendment treats paper products differently than other products. Under the substitute amendment, DHS must include in the initial rules for healthy and environmentally sensitive cleaning, requirements to use toilet paper, paper towels, and paper napkins that meet the standards, in effect on January 1, 2010, of Green Seal, Inc., or TerraChoice Environmental Marketing (which operates the EcoLogo program) or that meet the recommended standards under EPA's comprehensive procurement guidelines. Under the substitute amendment, DHS may not change the requirements related to toilet paper, paper towels, and paper napkins or impose an approval requirement for other kinds of paper products.

The substitute amendment also requires DHS to include in its rules requirements concerning cleaning systems. A cleaning system consists of cleaning products, materials for applying the cleaning products, equipment, and instructions for a specified cleaning use. The substitute amendment requires DHS, in its initial rules for cleaning systems, to require the use of one of the following, beginning in four years:

1. A cleaning system that meets the standards for certification under the LEED for Existing Buildings: Operations and Maintenance rating system of the U.S. Green Building Council.

2. A cleaning system that meets the Environmental Standard for Commercial and Institutional Cleaning Services, of Green Seal, Inc.

3. A cleaning system that complies with the Healthy Schools Campaign's Quick and Easy Guide to Green Cleaning in Schools.

4. A cleaning system that meets the Cleaning Industry Management Standard for Green Building, of the International Sanitary Supply Association.

5. A cleaning system that meets the standard of another entity if the standards are protective of human health or preventive of the spread of infection and disease, are practical, and promote environmentally sensitive cleaning.

Analysis insert ✓

The substitute amendment authorizes DHS to later modify the rules specifying standards applicable to cleaning systems.

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).
- 18 11. One health professional with expertise in public health.
- 19 12. A representative of the University of Wisconsin System.
- 20 13. A representative of the technical college system.

1 14. A representative of the Association of Wisconsin School Administrators who
2 has professional expertise in building maintenance and a background in the
3 supervision of building maintenance.

4 (c) The secretary of health services shall appoint the members under par. (b)
5 3. to 14. for 3-year terms.

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

7 **254.565 Healthy and environmentally sensitive cleaning in certain**
8 **buildings.** (1) DEFINITIONS. In this section:

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

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

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

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

14 (c) "Council" means the council on healthy and environmentally sensitive
15 cleaning.

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

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

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

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

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

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

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

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

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

2 5. For a building owned by a technical college district board, the technical
3 college district board.

4 6. For a building on a campus, the Board of Regents of the University of
5 Wisconsin System.

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

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

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

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

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

- 15 1. School buildings.
16 2. Buildings owned by political subdivisions.
17 3. Buildings owned by technical college district boards.
18 4. Buildings on a campus.
19 5. Buildings owned or leased by this state, other than buildings on a campus.

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

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

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

5 2. A requirement to use general purpose cleaners, restroom cleaners, glass
6 cleaners, and carpet cleaners that are approved by Green Seal, Inc.; by TerraChoice
7 Environmental Marketing, Inc., under its EcoLogo standard; by the federal
8 environmental protection agency under its Design for the Environment Program; or
9 by the Greenguard Environmental Institute[✓] under its[✓] Children and Schools
10 standard.

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

15 4. A requirement to use toilet paper that meets the standards, in effect on
16 January 1, 2010, of Green Seal, Inc., or of TerraChoice Environmental Marketing,
17 Inc., under its EcoLogo program, or that meets the recommended standards of the
18 federal environmental protection agency under its comprehensive procurement
19 guidelines, in effect on January 1, 2010.

20 5. A requirement to use paper towels and paper napkins meet the standards,
21 in effect on January 1, 2010, of Green Seal, Inc., or of TerraChoice Environmental
22 Marketing, Inc., under its EcoLogo program, or that meet the recommended
23 standards of the federal environmental protection agency under its comprehensive
24 procurement guidelines, in effect on January 1, 2010.

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

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

6 (d) *Initial rules for cleaning systems.* In the initial rules under this subsection
7 for cleaning systems, the department shall include a requirement to use one of the
8 following:

9 1. A cleaning system that meets the standards for certification under the LEED
10 for Existing Buildings: Operations and Maintenance rating system of the U.S. Green
11 Building Council.

12 2. A cleaning system that meets the Environmental Standard for Commercial
13 and Institutional Cleaning Services, of Green Seal, Inc.

14 3. A cleaning system that complies with the Healthy Schools Campaign's Quick
15 and Easy Guide to Green Cleaning in Schools.

16 4. A cleaning system that meets the Cleaning Industry Management Standard
17 for Green Building, of the International Sanitary Supply Association.

✓
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18 A cleaning system that meets the standard of another entity, if the
19 department determines that the entity's standard for cleaning systems is protective
20 of human health or preventive of the spread of infection and disease, is practical, and
21 promotes environmentally sensitive cleaning.

22 (e) *Additional rules for products for janitorial or sanitation use.* After
23 promulgating the rules under par. (b), the department, in consultation with the
24 council, may promulgate rules requiring approval by a specified entity or may specify
25 more than one entity whose approval is acceptable for a type of product, other than

1 a paper product, for janitorial or sanitation use, in addition to the types of products
2 covered in par. (b), if Green Seal, Inc., or TerraChoice Environmental Marketing,
3 Inc., has adopted a standard for the type of product or if the federal environmental
4 protection agency has adopted a voluntary standard for the type of product. The
5 department is not required to select Green Seal, Inc., TerraChoice Environmental
6 Marketing, Inc., or the federal environmental protection agency as an entity whose
7 approval is acceptable for a type of product, but may select any entity if the
8 department determines that the entity's standard is practical and promotes healthy
9 and environmentally sensitive cleaning. The department may request Green Seal,
10 Inc., TerraChoice Environmental Marketing, Inc., or the federal environmental
11 protection agency to adopt a standard for a type of product, other than a paper
12 product, for janitorial or sanitation use for which a standard has not been adopted.

13 (f) *Modifying rules.* 1. The department, in consultation with the council, may
14 promulgate rules that modify the rules promulgated under par. (b) 1. to 3., 6., or 7.
15 or (e).

16 2. Whenever an entity whose approval is acceptable under a rule promulgated
17 under par. (b) 1. to 3., 6., or 7. or (e) modifies the standard on which its approval is
18 based, the department, in consultation with the council, shall review the modified
19 standard and determine whether to continue to accept approval by that entity.
20 Under this subdivision, the department may accept approval by another entity if the
21 department determines that the other entity's standard is practical and more
22 protective of human health and preventive of the spread of infection and disease.

23 3. Whenever an entity specified under par. (d) modifies its standard for
24 cleaning systems, the department, in consultation with the council, shall review the
25 modified standard and determine whether to continue to authorize the use of

1 cleaning systems that meet that entity's standard. The department, in consultation
2 with the council, shall periodically review the standards of entities for cleaning
3 systems to determine whether to continue to authorize the use of cleaning systems
4 that meet the standards of entities designated in rules under par. (d) or under this
5 subdivision and whether to authorize the use of cleaning systems that meet the
6 standards of other entities, if the standards comply with [✓]par. (d) ~~§~~⁶, instead of or in
7 addition to the standards of the designated entities.

8 (g) *Providing information.* The department shall provide information about
9 the rules under this subsection, including modifications to the rules, to each school
10 board, to the governing body of each charter school, and to the governing body of each
11 private school with 50 or more students.

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

17 (am) Except as provided in pars. (c) and (d), beginning on the first day of the
18 36th month beginning after the effective date of this paragraph ... [LRB inserts
19 date], each responsible person shall ensure that the rules promulgated under sub.
20 (2) (d) are complied with in the building for which the person is responsible.

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

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

4 (d) 1. A responsible person may obtain an exemption for one year from a
5 requirement in the rules promulgated under sub. (2) relating to the use of a product
6 or cleaning system if the responsible person submits to the department a request
7 letter, a report documenting why complying with the requirement would increase the
8 responsible person's cleaning costs for the year, and supporting bid documents.

9 2. A responsible person that has obtained an exemption under subd. 1. for a
10 year may obtain an exemption for a later year only by providing a letter, report, and
11 supporting bid documents, as described in subd. 1., relating to the later year.

12 (e) If a requirement in a rule under sub. (2) (d) or (f) 3. conflicts with a
13 requirement in a rule under sub. (2) (b), (e), or (f) 1. or 2., the requirement in the rule
14 under sub. (2) (d) or (f) 3. controls.

15 **(4) COUNCIL.** (a) The council shall advise the department on the program under
16 this section. The council shall review the rules under sub. (2) at least every 3 years
17 and provide recommendations on changes to the rules. The council may not meet
18 more than 4 times per year.

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

21 (c) The council may annually give awards for healthy and environmentally
22 sensitive cleaning to political subdivisions, school districts, and institutions of
23 higher education subject to the requirements under this section.

24 **(5) INSPECTIONS NOT REQUIRED.** The department is not required to make any
25 inspections for the program under this section.

1 (6) INTERNET SITE. The department shall maintain an Internet site that shows
2 the political subdivisions, school districts, and institutions that comply with the
3 requirements under this section.

4 (7) NO PENALTIES. The department may not assess a fee or other penalty for
5 noncompliance with this section.

6 **SECTION 3. Nonstatutory provisions.**

7 (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) 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)
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:

2009-2010 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBs0230/1ins
RCT:.....

1 **Analysis insert**

④ 5. A cleaning system that meets the Children and Schools[✓] standard of the Greenguard Environmental Institute.[✓]

2 **Insert 5-17**

3 5. A cleaning system that meets the Children and Schools[✓] standard of the
4 Greenguard Environmental Institute.[✓]