



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2009 Assembly Bill 578

**Assembly Substitute
Amendment 1, as Amended**

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Assembly Substitute Amendment 1 to Assembly Bill 578 requires the Department of Health Services (DHS) to write administrative rules requiring healthy and environmentally safe cleaning in certain buildings.

Assembly Substitute Amendment 1 creates the Council on Healthy and Environmentally Sensitive Cleaning (“Council”) in DHS and specifies the membership of the Council. DHS, in consultation with the Council, is required to write administrative rules requiring healthy and environmentally sensitive cleaning in school buildings, buildings owned by a city, village, town, or county, buildings owned by technical college district boards, buildings on University of Wisconsin campuses, and other buildings owned or leased by the state. In these rules, DHS may not prohibit the use in accordance with responsible cleaning procedures, of disinfectants, sanitizers, or any other antimicrobial products registered under federal law when necessary to protect public health, or the use of hand sanitizers.

Assembly Substitute Amendment 1 requires the initial administrative rules to include requirements to use certain products, including hand soap, general purpose cleaners, laundry care products, paper products, and vacuum cleaners that are approved by the Environmental Protection Agency or by one or more of four specified groups. The initial requirements for using approved products take effect in 2012. DHS may change the requirements related to products, but may not change the requirements related to paper products. DHS is authorized, in consultation with the Council, to write rules requiring approval for an additional type of product, other than a paper product, in addition to the types of products covered under the initial rules.

Assembly Substitute Amendment 1 also requires the initial administrative rules to include a requirement to use one of six cleaning systems specified in the substitute amendment. The requirement to use an approved cleaning system takes effect in 2014. DHS may modify the initial rules specifying the standards that apply to cleaning systems.

Assembly Substitute Amendment 1 authorizes DHS to grant a one-year exemption from a requirement in the rules if a person responsible for complying with the requirement submits a request letter, a report documenting why complying with the requirement would increase cleaning costs for the year, and supporting bid documents. A responsible person who obtains a one-year exemption may obtain another exemption for a subsequent year by providing a letter, report, and supporting bid documents relating to that year.

Assembly Substitute Amendment 1 requires DHS to provide information about the rules to schools affected by the provisions in the substitute amendment and requires DHS to maintain an Internet site showing the entities that comply with the requirements in the substitute amendment.

Under the substitute amendment, DHS is not required to make any inspections for the program created under the substitute amendment. In addition, Assembly Substitute Amendment 1 prohibits DHS from assessing a fee or other penalty for noncompliance with the provisions in the substitute amendment.

The provisions in Assembly Substitute Amendment 1 generally take effect on July 1, 2011.

Assembly Amendment 1 removes the requirement to appoint a representative of the Association of Wisconsin School Administrators to the Council and instead requires that a representative of the Wisconsin Association of School Business Officials be appointed to the Council.

Assembly Amendment 2 specifies that the administrative rules requiring healthy and environmentally sensitive cleaning do not apply to the cleaning of a laboratory or other facility if the regulations of the federal Food and Drug Administration requiring the use of good laboratory practices or current good manufacturing practices apply to the laboratory or other facility.

Assembly Amendment 3 provides that current law, which generally requires that all orders awarded or contracts made by the Department of Administration for materials, supplies, equipment, and contractual services to be provided to any agency must be awarded to the lowest responsible bidder, with certain exceptions, does not apply to a purchase made to comply with the administrative rules requiring healthy and environmentally sensitive cleaning if the purchase is made to test the performance of a product; to test the amount of a product needed; or to test materials for application of a product, cleaning equipment, or instructions and if the amount purchased does not exceed the amount that would be required to test the product, materials, equipment, or instructions for a period of 12 months.

Legislative History

Assembly Substitute Amendment 1 was offered by Representative Mason on January 25, 2010. Assembly Amendment 1 to Assembly Substitute Amendment 1 was offered by Representative Clark on January 27, 2010. Assembly Amendments 2 and 3 to Assembly Substitute Amendment 1 were offered by the Assembly Committee on Natural Resources on January 27, 2010.

On January 27, 2010, the Assembly Committee on Natural Resources recommended adoption of Assembly Amendments 1, 2 and 3, each on a vote of Ayes, 15; Noes 0; recommended adoption of Assembly Substitute Amendment 1, as amended, on a vote of Ayes, 15; Noes, 0; and recommended passage of Assembly Bill 578, as amended, on a vote of Ayes, 8; Noes, 7.

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