



2009 ASSEMBLY BILL 578

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.

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

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 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

- 1 4. Buildings on a campus.
- 2 5. Buildings owned by this state, other than buildings on a campus.
- 3 (b) *Initial rules for products for janitorial or sanitation use.* In the initial rules
4 under this subsection, the department shall include all of the following:
- 5 1. A requirement to use hand cleaners and hand soap approved by Green Seal,
6 Inc.
- 7 2. A requirement to use general purpose cleaners, restroom cleaners, glass
8 cleaners, and carpet cleaners that are approved by Green Seal, Inc.; by TerraChoice
9 Environmental Marketing, Inc., under its EcoLogo standard; or by the federal
10 environmental protection agency under its Design for the Environment Program.
- 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 is approved by Green Seal, Inc., or by
16 TerraChoice Environmental Marketing, Inc., under its EcoLogo standard.
- 17 5. A requirement to use paper towels and paper napkins that are approved by
18 Green Seal, Inc., or by TerraChoice Environmental Marketing, Inc., under its
19 EcoLogo standard.
- 20 6. A requirement to use vacuum cleaners that are approved by the Carpet and
21 Rug Institute under its Green Label Program or its Seal of Approval/Green Label
22 Program.
- 23 7. A requirement to use carpet extractors that are approved by the Carpet and
24 Rug Institute under its Seal of Approval Program.

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 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.

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 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

ASSEMBLY BILL 578

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).

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.

12 3. Whenever Greenguard Environmental Institute modifies its Children and
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
15 Greenguard Environmental Institute under its Children and Schools standard. The
16 department, in consultation with the council, may modify the initial rules
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

ASSEMBLY BILL 578**SECTION 2**

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 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.

ASSEMBLY BILL 578

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.

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.

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.

SECTION 3. Nonstatutory provisions.

23 **(1) RULE MAKING.**
24

ASSEMBLY BILL 578**SECTION 3**

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.

