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# SENATE COMMITTEE ON EDUCATION

Senator Benjamin Allen, Chair

2017 - 2018 Regular

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<b>Bill No:</b>	AB 2570	<b>Hearing Date:</b>	June 27, 2018
<b>Author:</b>	Nazarian		
<b>Version:</b>	April 17, 2018		
<b>Urgency:</b>	No	<b>Fiscal:</b>	Yes
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**Subject:** School facilities: Clean and Healthy Schools Act: environmentally preferable cleaning and cleaning maintenance products.

## SUMMARY

This bill establishes the Clean and Healthy Schools Act, requiring school districts and nonpublic elementary and secondary schools to purchase environmentally preferable cleaning products when available.

## BACKGROUND

Existing law:

- 1) Required the Office of Public School Construction, by January 1, 2007, to develop a school facility inspection and evaluation instrument, including a system for evaluating whether each school facility is in “good repair”.
- 2) Defines “good repair” as maintained in a manner that assures that it is clean, safe, and functional, as determined pursuant to a school facility inspection.
- 3) Requires every public and private school maintaining any combination of classes from kindergarten to grade 12, inclusive, to comply with all of the following:
  - a) Every restroom shall at all times be maintained and cleaned regularly, fully operational, except for public safety or repair purposes, and stocked at all times with toilet paper, soap, and paper towels or functional hand dryers.
  - b) The school shall keep all restrooms open during school hours when pupils are not in classes, and shall keep a sufficient number of restrooms open during school hours when pupils are in classes.

## ANALYSIS

This bill establishes the Clean and Healthy Schools Act, requiring by 2021-22, or when economically feasible, school districts and nonpublic elementary and secondary schools with 50 or more pupils to purchase exclusively environmentally preferable cleaning and cleaning maintenance products, if an environmentally preferable cleaning and cleaning maintenance product exists. Specifically, this bill:

- 1) Establishes the following definitions for the purposes of this bill:

- a) “Economically feasible” means that there is no net increase in the cleaning costs of a school.
- b) “Environmentally preferable cleaning and cleaning maintenance product” means a product, including, but not limited to, institutional cleaners for furniture, counters, restrooms, glass, carpets, or floors, that meets independent, third-party certification criteria for lesser or reduced effects on human health and the environment compared with competing goods or services that serve the same purpose. “Environmentally preferable cleaning and cleaning maintenance product” does not include a product that must be labeled pursuant to current law.
- c) “Third-party certification” means certification by an established, independent program developed for the purpose of identifying environmentally preferable products and that meets, at a minimum, all of the following criteria:
  - i) Has a formal process of open participation and consultation among interested parties.
  - ii) Clearly defines the fees a manufacturer must pay for certification.
  - iii) Clearly avoids conflicts of interest in the standard setting and product evaluation process.
  - iv) Has the criteria and standards for certification published and publicly available and easily accessible to purchasers, manufacturers, and the general public, such as through the program's Internet Web site, and includes a list of certified products that meet the standards.
  - v) Bases certification of the product and its packaging on criteria for product performance and efficacy, reducing effects on human health and safety, including effects on children, ecological toxicity, other environmental impacts, and resource conservation, including, at a minimum, consideration of chemicals that cause cancer, mutagenic and reproductive harm, organ and nervous system damage, asthma, smog, ozone depletion, aquatic toxicity, bioaccumulation, and eutrophication.
  - vi) Development and selection of criteria are based on sound scientific and engineering principles and data that support the claim of environmental preferability.
  - vii) Certification standards remain consistent with current research about the potential impact of chemicals on human health and the environment.

- viii) Monitors and enforces compliance with standards, provides for the authority to inspect the manufacturing facilities, and periodically does so.
  - ix) Has a registered, legally protected certification mark or a mark protected by other means so that it may not be misappropriated.
  - x) If possible, is developed by consensus among key stakeholders.
  - xi) Establishes a leadership level in standards for products.
- 2) Specifies that for antimicrobial cleaning products, the school district or school shall strive to use environmentally preferable products, but may use other antimicrobials regulated under the Federal Insecticide, Fungicide, and Rodenticide Act.
  - 3) Authorizes a school district or school to deplete its existing cleaning and maintenance supply stocks and implement the new requirements in the next procurement cycle.
  - 4) Specifies that if a school district or school determines that it is not economically feasible to purchase environmentally preferable cleaning and cleaning maintenance products by the 2021-22 school year, the school district or school shall submit a letter indicating that it will not purchase environmentally preferable cleaning and cleaning maintenance products to the California Department of Education (CDE) and the governing board of the school district or governing body of the nonpublic school, annually, until it determines that it is economically feasible to comply with the requirements of this bill. Requires the letter to provide the details on the reasons compliance is not feasible and the letter or the explanation to be posted on the school district's or school's public Internet Web site with a notification titled "Reasons for Noncompliance with the Clean and Healthy Schools Act."
  - 5) Requires CDE to post information on its Internet Web site to assist school districts and schools in complying with the provisions of this bill.
  - 6) Specifies that this bill sets minimum standards for cleaning products used in schools. Nothing shall prevent local jurisdictions from adopting guidelines that are more stringent.

## STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, "More than 1 in 5 Californians—including over 6 million children—spend their day in a school. Cleaning products used in schools contain a wide variety of hazardous chemicals that can cause asthma, allergies, cancer, reproductive harm, and damage to the body's nervous system and internal organs. While more and more school districts have switched to less-toxic, environmentally preferable cleaning products (or "green" cleaners), conventional cleaning products are still widely used."

“Of particular concern is the link between cleaning products and asthma, since asthma is the leading cause of absenteeism from a chronic illness among California's school children, and is the primary cause of hospitalization for children under the age of 15. In California, nearly 1 million children have asthma (about 1 in 6).”

- 2) **Green schools.** An increasing number of school districts and county offices of education are taking steps to establish and maintain “green schools” to provide healthier school environments, save money, and model environmentally responsible behavior. Green schools minimize the impact of their operations on the environment through more efficient use of energy and other natural resources, reduced use of toxic materials and efforts to improve indoor/outdoor air quality.
- 3) **Health and academic benefits.** Exposure to indoor air pollutants and toxic chemicals has been linked to problems such as asthma, respiratory tract infection and disease, allergic reactions, headaches, nasal congestion, eye and skin irritations, coughing, sneezing, fatigue, dizziness, and nausea. Children are especially vulnerable to contaminants because their smaller and immature body systems accumulate greater amounts of toxic substances per pound of body weight and are less able to handle toxins.

These negative health effects can result in lower student attendance, teacher productivity, and student achievement. For example, asthma is the leading cause of school absenteeism attributed to chronic conditions nationwide. According to the American Lung Association, American children miss more than ten million school days a year because of asthma exacerbated by poor indoor air quality. Further, schools serving low-income communities suffer disproportionately from poor indoor air quality.

- 4) **Financial impacts.** Some local educational agencies have been reluctant to build green schools or institute green school practices because of concerns about costs. Research has demonstrated that construction costs for a new green school are about two percent higher than a conventionally designed school; however, green schools also tend to yield financial benefits that outweigh the initial investment over the life of the school. Green schools provide additional financial benefits due to increased student attendance, staff productivity, higher student achievement, lower workers' compensation costs, property loss prevention, and other factors that are harder to quantify.

This bill requires public and nonpublic schools to purchase environmentally preferable cleaning and cleaning maintenance products by the 2021–22 school year, or when it is economically feasible. For schools that determine it is not economically feasible to comply by 2021-22, a letter must be submitted to the Department of Education and the school's governing board annually, detailing the reasons compliance is not feasible.

- 5) **Third party certification.** There are several independent organizations that review products based on specified standards. Green Seal is based in the United States, EcoLogo is a Canadian program, and the U.S. Environmental

Protection Agency certifies products through Safer Choice. Most public agencies that have adopted policies to use green cleaners use products certified by one or more of those three entities.

The Occupational Health Branch of the California Department of Public Health (CDPH) advises that "there are many 'green' claims being made to sell cleaning products. Product labels claim that the ingredients are 'natural', 'organic', and 'Earth-friendly.' But how can buyers sort out which claims are meaningful and which aren't? The best way is to seek out products that have been certified by third-party organizations that issue openly published standards developed in a process that involves all types of stakeholders."

The CDPH guide for schools also recommends buying products certified by a third party. The guide further states that the products that are certified meet stringent guidelines and not every company that applies succeeds in getting its products certified.

California's Department of General Services has a policy requiring state purchases to meet environmentally preferable (EPP) or green standards. Under the policy, all janitorial supply products must be certified by at least one Third-Party Environmental Certification program. State agencies purchase EPP approved products through the CalPIA (the California Prison Industry). Public agencies, including school districts, can also purchase environmentally preferable products through the CalPIA.

For purposes of this bill, authorized products are those that have been certified by a third-party organization that meets eleven criteria specified in the bill. According to the author, Green Seal, EcoLogo and Safer Choice meet the criteria.

Opponents of the use of third party certifications claim that it is little more than a "pay to play" scheme as manufacturers must pay for the review of their products. As an alternative, these opponents suggest directing a state agency to develop a state-authorized cleaning products list.

- 6) ***Commitment to continue working with the Senate Environmental Quality Committee.*** This bill was passed out of the Senate Environmental Quality Committee (EQ) on June 20, 2018. As part of the discussion in EQ, concerns were raised that as currently drafted, the bill does not require disinfectants to meet the new environmentally preferable standard. Further, opponents of the bill argue that the certifying entities described in the bill may not be appropriate. The author has committed to continue working with the opposition and EQ on this issue.
- 7) ***Committee amendments.*** Those representing local educational agencies (LEAs) have raised concerns that (1) excluding schools with fewer than 50 pupils is arbitrarily low, (2) requiring districts to post noncompliance letters on their Internet Web sites creates additional workload, and (3) small LEAs may need additional time to comply. Further, as currently drafted, this bill would apply to private schools, even though the California Department of Education has no

statutory authority to regulate or monitor them. If it is the desire of the Committee to pass this measure, **staff recommends** that the bill be amended to: (1) apply to local educational agencies (LEAs), defined as school districts, charter schools, and county offices of education, (2) exclude schools with fewer than 250 pupils, (3) require LEAs to send noncompliance letters to the California Department of Education to be posted on its Internet Web site, and (4) allow small LEAs, defined as having an average daily attendance of fewer than 2,500, until 2023-24 to comply.

## SUPPORT

A Voice for Choice Advocacy  
American College of Obstetricians and Gynecologists  
California Health Coalition Advocacy  
California Teachers Association  
Clean Water Action  
Educate. Advocate.  
Empower California  
Environmental Working Group  
Regional Asthma Management Program  
San Francisco Unified School District  
Service Employees International Union  
Seventh Generation Advisors

## OPPOSITION

Action Now  
American Chemistry Council  
American Cleaning Institute  
American Legion Post 6  
Apostolic Faith Center  
California Chamber of Commerce  
California Kids IAQ  
California Safe Schools  
California Communities Against Toxics  
Coalition for a Safe Environment  
Comite Pro Uno  
Community Dreams  
Del Amo Action Committee  
EMERGE  
Exide Worker Community Committee  
Green Action  
Grocery Manufacturers Association  
Healthy Building and Indoor Environmental Consultant  
Household & Commercial Products Association  
Los Angeles Environmental Justice Network  
Mujeres por Maywood  
Our Right to Know  
Padres Unidos De Maywood  
Philippine Action Group for the Environment

Randall Enterprises

RISE

The Paramount Community Coalition Against Toxics

Tobias Avenue Homeowners

Western Plant Health Association

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