

# House File 823 - Introduced

HOUSE FILE \_\_\_\_\_  
BY McCARTHY

(COMPANION TO LSB 2716XS  
BY GRONSTAL)

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act requiring public schools and state agencies to utilize  
2 environmentally preferable cleaning and maintenance products  
3 in school facilities and state buildings.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

5 TLSB 2716YH 83

6 rn/nh/5

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1 1 Section 1. NEW SECTION. 135.23 BUILDING CLEANING AND  
1 2 MAINTENANCE == ENVIRONMENTALLY PREFERABLE CLEANING PRODUCTS.  
1 3 1. FINDINGS AND INTENT. The general assembly finds that  
1 4 human beings are vulnerable to and may be severely affected by  
1 5 exposure to chemicals, hazardous waste, and other  
1 6 environmental hazards. The federal environmental protection  
1 7 agency estimates that human exposure to indoor air pollutants  
1 8 can be two to five times, and up to one hundred times, higher  
1 9 than outdoor levels. Children, teachers, janitors, and other  
1 10 staff members spend a significant amount of time inside school  
1 11 buildings. Likewise, state employees and citizens of this  
1 12 state spend a significant amount of time inside state  
1 13 buildings. These individuals are continuously exposed to  
1 14 chemicals from cleaners, waxes, deodorizers, and other  
1 15 maintenance products.

1 16 2. DEFINITIONS. As used in this section, unless the  
1 17 context otherwise requires:

1 18 a. "Environmentally preferable" means cleaning and  
1 19 maintenance products which meet the policy guidelines and  
1 20 specifications established by the department by rule pursuant  
1 21 to subsection 4.

1 22 b. "State building" means a public facility or building  
1 23 owned by or leased by the state, or an agency or department of  
1 24 the state.

1 25 3. USE OF ENVIRONMENTALLY PREFERABLE CLEANING PRODUCTS.  
1 26 By July 1, 2010, all school districts in this state, and state  
1 27 agencies utilizing state buildings, shall conform to an  
1 28 environmentally preferable cleaning policy requiring the  
1 29 exclusive purchase and use of environmentally preferable  
1 30 cleaning products for purposes of public school and state  
1 31 building cleaning and maintenance. School districts and state  
1 32 agencies procuring supplies for schools and state buildings  
1 33 may deplete their existing cleaning and maintenance supply  
1 34 stocks and implement the new requirements in the procurement  
1 35 cycle for the following year. A school district or state  
2 1 agency is exempt from the requirements of this section if the  
2 2 school district or state agency submits written documentation  
2 3 to the department on an annual basis that adoption of the  
2 4 policy would result in a significant increase in annual  
2 5 cleaning and maintenance product and supply costs.

2 6 4. POLICY GUIDELINES AND SPECIFICATIONS.

2 7 a. The department shall establish by rule and update on an  
2 8 annual basis thereafter guidelines and specifications for the  
2 9 use of environmentally preferable cleaning and maintenance  
2 10 products in school and state buildings, and shall maintain a  
2 11 list of approved products, together with estimated costs and  
2 12 supply vendors.

2 13 b. The department shall provide multiple avenues by which  
2 14 cleaning and maintenance products, equipment, and supplies may  
2 15 be determined to be environmentally preferable under the  
2 16 guidelines and specifications. At a minimum, such avenues

2 17 shall include the United States environmental protection  
2 18 agency's design for the environment program, the ecologo  
2 19 program administered by the terrachoice environmental  
2 20 marketing organization, environmental certification standards  
2 21 established pursuant to the green seal organization, and  
2 22 alternative qualifications. Alternative qualifications may  
2 23 include but not be limited to submission of testing by an  
2 24 accredited third party which verifies that the product meets  
2 25 nationally recognized standards. Alternative qualifications  
2 26 may also include submission of a comparative life-cycle  
2 27 assessment conducted in accordance with applicable standards  
2 28 as determined by the international organization for  
2 29 standardization or any successor organization, and which  
2 30 demonstrates life-cycle impact benefits including but not  
2 31 limited to benefits to human health, global warming reduction,  
2 32 waste reduction, or water or energy usage reduction,  
2 33 associated with the environmentally preferable cleaning  
2 34 product when compared to traditional cleaning products.

2 35 c. The guidelines and specifications established pursuant  
3 1 to this section shall not prohibit the use of disinfectants,  
3 2 disinfecting cleaners, sanitizers, or any other antimicrobial  
3 3 product regulated by the federal Insecticide, Fungicide, and  
3 4 Rodenticide Act, 7 U.S.C. } 136 et seq., when necessary to  
3 5 protect public health and provided that the use of these  
3 6 products is in accordance with responsible cleaning procedure  
3 7 requirements.

3 8 d. Guidelines and specifications shall be established by  
3 9 rule after a review and evaluation of existing research by the  
3 10 department, and shall be completed no later than one hundred  
3 11 eighty days after the effective date of this Act. The  
3 12 guidelines and specifications shall include implementation  
3 13 practices, including inspection procedures and evaluation  
3 14 criteria. The completed guidelines and specifications shall  
3 15 be posted and updated on the department's internet website,  
3 16 and shall additionally be distributed on an updated basis to  
3 17 each school district.

3 18 Sec. 2. STATE MANDATE FUNDING SPECIFIED. In accordance  
3 19 with section 25B.2, subsection 3, the state cost of requiring  
3 20 compliance with any state mandate included in this Act shall  
3 21 be paid by a public school district from state school  
3 22 foundation aid received by the school district under section  
3 23 257.16. This specification of the payment of the state cost  
3 24 shall be deemed to meet all of the state funding-related  
3 25 requirements of section 25B.2, subsection 3, and no additional  
3 26 state funding shall be necessary for the full implementation  
3 27 of this Act by and enforcement of this Act against all  
3 28 affected school districts.

#### 3 29 EXPLANATION

3 30 This bill requires school districts and state agencies to  
3 31 purchase and utilize environmentally preferable cleaning  
3 32 products for purposes of cleaning and maintenance beginning  
3 33 July 1, 2010. The bill defines a "state building" as a public  
3 34 facility or building owned or leased by the state, or an  
3 35 agency or department of the state. The bill provides that a  
4 1 school district or a state agency procuring supplies for a  
4 2 school or state building may deplete its existing cleaning and  
4 3 maintenance supply stocks and implement the new requirements  
4 4 in the procurement cycle for the following year, and shall be  
4 5 exempt from compliance if the school district or state agency  
4 6 submits written documentation to the department of public  
4 7 health on an annual basis that adoption of the policy would  
4 8 result in a significant increase in annual cleaning and  
4 9 maintenance product and supply costs.

4 10 The bill provides that the department shall establish by  
4 11 rule and annually update a policy of guidelines and  
4 12 specifications for the use of environmentally preferable  
4 13 cleaning products, and shall maintain a list of approved  
4 14 products, estimated costs, and supply vendors. The department  
4 15 is instructed to provide multiple avenues by which cleaning  
4 16 products may be determined to be environmentally sensitive and  
4 17 nontoxic, to include in the guidelines implementation  
4 18 practices and inspection procedures, and to post on the  
4 19 department's internet website and distribute to each school  
4 20 updated copies of the policy.

4 21 The bill may include a state mandate as defined in Code  
4 22 section 25B.3. The bill requires, with respect to public  
4 23 school districts, that the state cost of any state mandate  
4 24 included in the bill be paid by a school district from state  
4 25 school foundation aid received by the district under Code  
4 26 section 257.16. This specification is deemed to constitute  
4 27 state compliance with any state mandate funding-related

4 28 requirements of Code section 25B.2. The inclusion of this  
4 29 specification is intended to reinstate the requirement of  
4 30 political subdivisions to comply with any state mandates  
4 31 included in the bill.  
4 32 LSB 2716YH 83  
4 33 rn/nh/5.1