

Environmentally Sensitive Cleaning and Maintenance Products
State Education Law 409-i and State Finance Law 163-b
<http://www.assembly.state.ny.us/leg/?bn=S05435&sh=t>

Q & A
March 22, 2006

I. What: Definitions

- a. Environmentally sensitive cleaning and maintenance products
 - i. Environmentally sensitive cleaning and maintenance products are cleaning products having properties that minimize potential impacts to human health and the environment consistent with maintenance of the effectiveness of these products for the protection of public health and safety without sacrificing product effectiveness.

The law requires that all public and nonpublic elementary and secondary schools procure and use environmentally sensitive cleaning and maintenance products.

- b. **Environmentally sensitive cleaning and maintenance product guidelines**
 - i. Procurement and usage guidelines and specifications developed by the New York State Office of General Services (OGS), the State Education Department (SED), State Department of Health (DOH), State Department of Environmental Conservation (DEC), and State Department of Labor (DOL) for the selection and use of environmentally sensitive cleaning and maintenance products in schools.
 - 1. OGS shall develop guidelines and specifications for environmentally sensitive cleaning and maintenance products.
 - 2. OGS shall provide public notice and an opportunity to comment on the guidelines and specifications.
 - 3. OGS shall develop a sample list of environmentally sensitive cleaning and maintenance products.
 - 4. OGS shall disseminate the guidelines and specifications to all public and nonpublic elementary and secondary schools for their use when purchasing cleaning and maintenance products for their facilities.
 - ii. School administrators shall notify their personnel of the availability of the guidelines and specifications.
- c. **Green Cleaning**
 - i. The term green cleaning is synonymous with environmentally preferred cleaning. These terms are often used interchangeably to describe cleaning and maintenance products that minimize adverse impacts on children's health and the environment and still clean effectively.
 - ii. The mission of this green cleaning legislation is to promote the use of environmentally sensitive cleaning and maintenance products by all public and nonpublic schools in New York State

to help protect human health and the environment without sacrificing product effectiveness.

II. Where: Schools Covered by Law

a. Types of School Facilities

- i. Any school building or facility used for instructional purposes
 - ii. Surrounding grounds
 - iii. Other sites used for playgrounds and/or athletics or other instructional purposes
- b. All public and nonpublic elementary and secondary schools
 - c. Charter schools
 - d. Boards of Cooperative Educational Services (BOCES)
 - e. Private and parochial schools (including schools for students with disabilities)
 - f. State supported schools for the deaf and blind

III. Who

- a. This law applies to all public and nonpublic elementary and secondary schools.
- b. Guidelines and specifications shall be developed by New York State OGS, SED, DOH, DOL, and DEC.

IV. Why: Goals

- a. The primary focus of this law is children's health while selecting products that clean effectively and minimize any adverse impacts on children's health and the environment.
- b. The goal of using environmentally sensitive cleaning and maintenance products is to reduce, **as much as possible**, exposure of children and school staff to potentially harmful chemicals and substances used in the cleaning and maintenance of school facilities.

V. When: Implementation

- a. **When does the law become effective?**
This law becomes effective on September 1, 2006.
- b. **Is this law mandatory for all schools?**
Yes. All elementary and secondary schools in New York State must comply with this law. This law is not voluntary.
- c. **Do schools need to start purchasing green cleaning products immediately?**
No. Schools should take their time and not rush into buying or changing cleaning product lines. It is best to become educated about the legislation, and if time permits and their budgets allow, to test or try various products. It may be possible that schools are already using acceptable products.
- d. **May schools use previously purchased products beyond September 1, 2006?**
Yes. Products that are already on-hand as of September 1, 2006 may be used.
 - i. Cleaning and maintenance products purchased on or after September 1, 2006 shall be accomplished in accordance with the guidelines and specifications issued by OGS.

- ii. If a school district has a cleaning need for which there is currently not a green cleaning product that meets the form, function and utility of its current product, then the school district may continue to use its current product until such time as an equivalent green cleaning product becomes available for purchase.
- iii. Other laws or regulations may supersede the use of environmentally sensitive items for other types of products. **(See Section IX – Legal Implications and Reminders)**

VI. Purchase Practices

a. **State OGS Contract Information (www.ogs.state.ny.us/psg/defaultitpur.html)**

For information more specifically related to OGS Procurement Services Green Purchasing go to: <http://www.ogs.state.ny.us/purchase/GreenPurchasing.asp>.

Under “Green Cleaning Products” (Products and Services on State Contract and Available from Preferred Sources), please note that OGS anticipates that this list will be supplemented periodically and prospective buyers may need to refer back to this web page for additional information and updates. (This web page also provides a link to the OGS Environmental Services Unit – Green Cleaning website.)

b. **What vendors may be used to purchase environmentally sensitive and maintenance products?**

To be determined. Part of the legislative mandate is for OGS to develop guidelines and specifications for such products as well as a sample list of cleaning products that meet these guidelines.

c. **If a vendor currently advertises itself as selling green cleaning products, should this statement be accepted as accurate and true?**

No. Characterization of a product as green by vendors, third party organizations, or others does not mean that the products will satisfy the requirements of the legislation, or that such a product will be on the OGS list of acceptable products. Schools should use discretion when consulting with vendors, shopping for green cleaning and maintenance products and when testing these products in your facilities. Green cleaning product specifications and guidelines are being developed by OGS.

d. **Are green cleaning products synonymous with environmentally sensitive products?**

The term green cleaning is synonymous with environmentally sensitive cleaning. These terms are often used interchangeably to describe cleaning and maintenance products that minimize adverse impacts on children’s health and the environment and still clean effectively.

e. **Is environmentally preferable purchasing synonymous with environmentally sensitive purchasing?**

Yes. These terms are used interchangeably.

VII. Recordkeeping and Reporting

- a. SED and OGS shall issue a report analyzing the impact of this law on schools on or before June 1, 2007.

VIII. Training, Guidance, and Technical Assistance

a. Web Site and Mailbox

- i. A web site that addresses purchasing questions has been developed by OGS at:
<http://www.ogs.state.ny.us/purchase/GreenPurchasing.asp>
 - ii. Another website established specifically for the legislation was developed by OGS at:
<http://www.ogs.state.ny.us/bldgAdmin/environmental/default.html>
 - iii. Questions on the law or cleaning products may be addressed to:
nysogsesu@ogs.state.ny.us
- b. OGS is developing a completely separate bid for a “Consulting to Develop Advanced Custodial Practices”. The concept is that a facility manager could hire a “Cleaning Consultant” for a set fee. That consultant would provide an assessment of the facility, cleaning products used, and provide comprehensive training on developing a “cleaning system” from cleaning basics, how to clean, what products to use where and when and how often, as well as providing training on coaching, change management, and developing effective teamwork. The contract would provide for consulting throughout the year.

IX. Related Laws and Regulations

The law for green cleaning does not supersede or change existing health, labor, education and environmental regulations related to cleaning and maintenance practices and disposal of hazardous chemicals. Thus, when evaluating cleaning programs, schools should choose products and practices that comply with the green cleaning law. However, in certain locations (e.g. food service and swimming pool areas) and for special circumstances (e.g. blood spills) different products and practices may be needed to satisfy the requirements of existing public health, labor, education and environmental conservation regulations. The list below may not include all relevant federal, state and local laws regarding cleaning and maintenance practices.

a. Department of Health (DOH)

i. *Health and Sanitary Codes:*

Schools should contact their local health departments for an interpretation of what is acceptable for use in food service areas and swimming pools. Relevant state codes can be found as follows:

Food Service Establishments (Subpart 14-1):

Equipment and Utensil Cleaning and Sanitation - Sections 14-1.110 thru 14-1.117

Plumbing - Sections 14-1.143

Construction and Maintenance of Physical Facilities - Sections 14-1.172 and 14-1.173

Swimming Pools (Subpart 6-1)

Operation, Supervision and Maintenance – Section 6-1.10

Bathroom and Toilet Facilities - Section 6-1.15

In order to access the aforementioned sections of the State Sanitary Code go to:
www.health.state.ny.us/nysdoh/phforum/nycrr10.htm

Click on "Search Title 10" at the website listed above. In the "Search For" box, type in the Section number. For example, type in "Section 14-1.110" and click "Search" to be directed to the link for Section 14-1.110. Click on the link to access the section.

b. Occupational Safety & Health Administration/Public Employee Safety and Health Administration (OSHA/PESHA)

The environmentally sensitive cleaning legislation encourages school districts and facility managers to perform an assessment of cleaning needs when selecting cleaning and maintenance products, while minimizing adverse impacts to children, teachers, other school staff and the environment. This approach conforms with OSHA/PESH safety and health standards. Such standards would include General Housekeeping, Hazard Communication, Bloodborne Pathogen requirements for nurse's offices, laboratories, etc.

Within New York State, OSHA regulates private sector employers. PESH regulates all public sector employers. Further information is available from the following websites:

- (1) <http://www.osha.gov/>
- (2) <http://www.labor.state.ny.us/workerprotection/safetyhealth/faq.shtm#2>

c. State Education Department (SED)

- i. (Public Schools only): Building Condition Survey §155.4(b)(1)(ii)(m)*
Environmental features, including cleanliness shall be inspected and reported as part of the building condition survey.
- ii. (Public Schools only): Annual Visual Inspection §155.4(2)(ii)*
Environmental features, including cleanliness, shall be re-inspected and reported as part of the annual visual inspection process.
- iii. Control of Communicable Disease in the School Setting Guideline*
The school environment is conducive to the acquisition, transmission, and prevention of communicable disease. As part of maintaining a safe and healthy environment for the school community, certain general and disease specific control procedures need to be instituted to minimize the inherent risks. In order to deal effectively with a communicable disease event, a school district should establish policies and procedures in advance. This will allow for a logical, rational plan of action, should an outbreak occur. Some guidelines have been developed to provide a practical reference for school health professionals in the care of children in the school setting. Please reference to the following website link:
<http://www.schoolhealthservices.org/uploads/Control%20Communicable%20Diseases-August%2018%202005%20final.pdf>

d. Department of Environmental Conservation (DEC)

i. ***Disposal of Cleaning Products***

<http://www.dec.state.ny.us/website/dshm/index.html>

The link listed above will provide information on existing regulatory programs related to Hazardous Waste and Solid Waste, however, there is no specific information regarding the disposal of cleaning products.

Therefore, the following information was provided by members of the DEC Solid & Hazardous Materials Unit to address this issue:

It is incumbent upon any entity that generates a solid waste to make a determination if in fact their waste is hazardous. Under the regulations, this can be accomplished by testing (TCLP: Toxicity Characteristic Leaching Procedure: Soil sample extraction method for chemical analysis) or by knowledge which is verifiable. It is important to know the contents of materials and products being used, and with any contamination the waste may have acquired during its normal use.

Product information is available from manufacturers and distributors. Products which don't provide this information should be avoided. When a generator gathers all the information which is reasonably available to them, then they should be able to make a proper waste determination. Once that is accomplished, the department can easily advise them as to disposal which is safe and in compliance with environmental law and regulation.

X. Disinfectants and anti-microbial products

a. How will disinfectants and anti-microbial products be handled under this law?

- i. There is a considerable amount of controversy concerning the use, misuse and/or overuse of both antimicrobial soaps and disinfectants. OGS is communicating with the EPA, the State Health Department, the CDC, and reading any literature available on the topics. We plan to educate ourselves and others (school personnel) in our findings.
- ii. In the meantime, determine if you use them, and if so, where and why? Do you have specific training for your staff concerning the proper techniques for applying disinfectants?

XI. What can school districts do now to prepare for this legislation?

“Suggestions” for school districts and facility managers while awaiting the issuance of guidelines and specifications for cleaning and maintenance products:

- Conduct an inventory of what you are currently using for cleaning products, how much you use of each product and what each product costs.
- Test cleaning products from a variety of vendors.
- Determine how your existing cleaning products perform, so you have the ability to compare them against any new products you test. **“Suggestion”** - When a sales person presents a “new” product, ask for a list of several sites and contact people already using the product. Then, call and find out what they were using prior to the “new” product, the conditions that existed and pros and cons of the new product.

- Determine whether or not your facility needs all of the cleaning products that you have in inventory. If so, document the reasons why you need them.
- Determine whether the types and amounts of products currently purchased can be consolidated.
- Determine whether all facilities within the district use the same products or if each building manager purchases their own assortment of products. (Hint - A supervisor discovered that even though he “outlawed” the use of bleach, except for very limited reasons, his staff still ordered over 300 gallons last year.)

XII. Options, in addition, to the chemical side of cleaning to meet the intent of the legislation:

Consider the following:

- How often do you burnish your floors? Burnishing your floors, even if the burnishing is done at night, can be a major source of indoor air pollution, generating a significant amount of dust, which can contain bacteria, mold and dirt. The hardness of the burnishing pad can also increase the amount of dust generated.
- How often do you strip your floors? Are they lasting years before you need to strip them, and if not, why not?
- Does the district use hepafilter vacuum cleaners? You would need to compare costs vs. productivity and whether or not less allergens are released.
- Paper towels and toilet tissue – are your products environmentally-sensitive?
- Investigate three tier matting systems with approximately 15 feet of combination scraping, brushing and drying mats.

Studies have shown:

- 85% of the dirt entering into a building is brought in on the soles of shoes and on the tires of wheeled carts;
- 95% of appearance problems on floors are caused by dirt/road salt;
- Matting protects floors by stopping moisture and dirt at the door, makes floors easier to clean, and makes floors safer by reducing slipping.
- Other ideas you may have??
- **The above mentioned ideas, as well as many others, contribute to the quality of your indoor air!!**

XIII. Are green cleaning and maintenance products more expensive?

- Green cleaning and maintenance products can potentially be more expensive, less expensive or similarly priced in comparison to conventional products. That is why we are investigating a number of green cleaning products, so that consumers can choose green products that best suite their program. We recommend that you also become familiar with green cleaning and maintenance products and become aware of pricing disparities that may exist between products before choosing products for your program. The legislation notes that products should have the same "utility" as products currently used. That means that the products should work effectively and not cost more than their traditional replacements. A green product that costs substantially more than what is currently being used, requires more frequent use,

or more effort from cleaning staff does not have the same utility as the existing product, and therefore would not meet the intent of the legislation.

FAQ'S 01-27-06