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Testimony on behalf of the American Cleaning Institute®
In Opposition To
Senate Bill 1125 “An Act Relative to Healthy Schools”;
House Bill 624 “An Act to Require Environmentally Safe Alternatives to Cleaning Products”;
House Bill 1524 “An Act Relative to Improving Asthma in Schools”

Before The
Massachusetts Joint Committee on Public Health
Room A-1
State House Office Building
September 13, 2011

Introduction and Overview

The American Cleaning Institute® (ACI) is the trade association representing the \$30 billion U.S. cleaning products market. ACI members include the formulators of soaps, detergents, and general cleaning products used in household, commercial, industrial and institutional settings; companies that supply ingredients and finished packaging for these products; and oleochemical producers. ACI and its members are dedicated to improving health and the quality of life through sustainable cleaning products and practices. ACI’s mission is to support the sustainability of the cleaning products industry through research, education, outreach and science-based advocacy. Since 1926, ACI has promoted health through personal hygiene and effective cleaning.

Human health and environmental safety are significant priorities for ACI members, and throughout its history, the association’s sound, technical, risk-based research has demonstrated the safe, beneficial, and proper use of cleaning products and their ingredients.

ACI has been substantially engaged in environmentally preferable procurement issues at the state and federal levels. ACI encourages market-based approaches and solutions that address environmental and state procurement issues and provides three guiding recommendations:

1. Accurate and meaningful information should be utilized in procurement decisions.
2. Purchasing decisions should be based on consideration of environmental factors *plus* price *plus* performance.
3. Relative environmental impacts should be compared with pollution prevention considered at all stages of the process.

ACI Comment on the Pending Legislation

Despite shared goals of asthma attacks reductions, and the creation of a healthy environment, ACI disagrees with the general intent of these bills: effective, healthful cleaning is best achieved through proper cleaning techniques and training, not product bans.

S.B. 1125, H.B. 624 and H.B. 1524 assume that many cleaning products and their ingredients inherently cause asthma. The causes of the increased incidence of asthma are not well understood at this point in time. However, with respect to reducing asthma attacks in the home and in institutional settings, cleaning is recognized as an effective intervention for reducing many well known asthma triggers such as pollen, pet dander, molds and dust mites.

The bills would, among other things, require designated state agency officials to create a list of environmentally preferred cleaning products. ACI is opposed to using any list of chemicals to designate products as asthmagens. Such determinations can only be made on the basis of a risk assessment which takes into consideration use conditions and dose levels.

Moreover, by implication, any product not on the list could very well be viewed, albeit without justification, as somehow unsafe for use. ACI reads these bills as to imply that disinfectants will not otherwise be placed on the "Safer Cleaning Products" list. Yet disinfectants are essential to controlling molds and fungi which are known to trigger asthma attacks and cleaning products remove the organic soil loads otherwise support mold. This is especially true with the proposal to establish a special list of alternative disinfectants for use in hospitals. Nowhere is disinfection more important than in hospitals and healthcare facilities. It is imperative that hospitals have the flexibility and ability to use disinfectants that are scientifically proven to be efficacious against microbial organisms that may be found in the hospital environment.

Hospitals develop very specific infection control programs that contain procedures and policies to prevent or reduce the incidence of infection. Most of these hospitals utilize the *Association for Professionals in Infection Control Guideline for Selection and Use of Disinfectants* as a guide to developing their programs. Additionally, hospitals are required to comply with the Occupational Safety & Health Administration standards regarding blood borne pathogens (*see* 29 CFR 1910.1030). The Centers for Disease Control and Prevention (CDC) also has specific guidelines for hospital infection control practices, and this legislation could result in the elimination of the cleaning tools hospitals require to effectively control infections.

The list would be based on many criteria having no relation to asthma or other human health issues. For example, no product would be allowed on the list that had more than 0.5% phosphorus. Yet, phosphate compounds are exempted in the Commonwealth's own detergent phosphate law because of their effectiveness in sequestering lead dust when used in removing lead paint. ACI is not aware of any tie between phosphorus and asthma.

Under the proposal for accommodation of chemically sensitive individuals (S.B. 1125 and H.B. 0624), any individual could effectively veto the use of a particular cleaning product or other compound in a building. Such a broad and unrestricted proposal has a chaotic effect without any consideration is given to environmental management techniques such as modifying cleaning schedules, improving ventilation, proper storage and similar techniques. Indeed, the provision for special recognition that sensitive individuals may be impacted by "approved" products only points out the limitations of the list approach and its inadequacies.

No product can meet the environmentally preferable procurement standard of being "not toxic to humans." Everything is potentially toxic to humans: dose, pathway, and length of exposure are all attributes which must be taken into consideration in determining product safety. Virtually anything, taken in too great a quantity, is toxic.

ACI urges flexibility in environmentally preferable product procurement criteria so that procurement officials can maximize the value of innovation. To that end, ACI also urges the consideration of the total environmental impacts of products in procurement criteria. Environmentally preferable product purchases need to be based on an assessment of performance and environmental attributes. Consistent with the guiding recommendations outlined above, water, energy, and packaging waste reduction features in product offerings can also have an ultimate, beneficial environmental impact.

Innovative new products constantly come to market, and flexible, information-based guidelines would instead enable state agencies to make thoughtful, confident and informed decisions on environmentally preferable procurement. Procurement information should serve to educate and explain why certain attributes are important. Product labels, electronic media and other tools provide this needed and useful information. Lists are simply not capable of fully transmitting all of this information. Manufacturers have environmental management strategies which take into account the life-cycle of products. Finally, drawing on the *EPA Guidance on Environmentally Preferable Purchasing*, factors such as product safety, efficacy, ease-of-use, availability and cost must be given equal weight when examining the environmental characteristics of any particular product.

The Commonwealth of Massachusetts should not rely on any one type of third-party standard, certification or recognition program. Procurement decisions are an inherent government function, and those procurement decisions cannot be delegated to any single third-party non-governmental organization. Moreover, environmentally preferable procurement cannot reasonably be defined by a set of criteria or certification by a single non-governmental organization. The draft certification provisions could likely force reliance on only one non-governmental entity and not allow any other multiple avenues which should be considered.

Cleaning Product Ingredients are Publically Available

ACI opposes language in Section (h) of S.B. 1125 requiring the disclosure of ingredients in consumer products.

The legislative language lacks clarity concerning comprehensive trade secret protections. Product formulas shared or developed between suppliers and manufacturers are subject to many protections often including confidentiality agreements. Advancements in consumer products are built upon highly creative innovations with significant investments in research and development within a competitive global marketplace. Trade secrets provide valuable environmental, societal and economic benefits and require robust protection. Trade secrets are among a business's most valuable assets, and allow a company to vigorously compete in a challenging global environment. In sum, weakening of those confidentiality agreements by further disclosing chemical ingredient information could jeopardize competitiveness and jobs.

Indeed, much of this information is currently available. ACI, along with fellow industry representatives have developed an ingredient communication initiative as a way to provide consumers with information about the ingredients in cleaning products. The Ingredient Central Website (<http://www.cleaninginstitute.org/ingredientcentral/>) provides links to ingredient listings on company websites representing 99% of the cleaning products sales of ACI members.

Hand Soaps and the Benefits to Public Health and Hygiene

The “clean hands” concept is about health: it is essential to breaking the chain of infection in schools as well as other public and shared environments. ACI has partnered with the CDC to improve hand hygiene among middle school students. This program has the option of utilizing all kinds of tools to increase the awareness and stress the importance of hand hygiene for middle school students. To that end, and as but one example, a state statutory limitation on hand soap products could negatively impact effective message delivery about hand hygiene in school communities.

Hand soaps are present and applied in a variety of school settings (e.g., nurse’s stations, gyms, food preparation areas, laboratory settings, among others). A school is not just a modern learning environment. It may serve as a venue for a wide variety of community events and meetings throughout the course of a day. It may also provide food and health care services. From cafeteria meals to after school activities that may include “dirtying your hands,” these facilities need the flexibility and availability of a wide range of products to promote and protect public health. And in each circumstance, proper hand hygiene can help prevent disease transmission.

The use of soaps is recognized and regulated at the federal level through various consumer product safety provisions. The use of hand soaps may also include the use of topical antimicrobial products. ACI would note that consumer topical antimicrobial products making antibacterial claims are subject to Food and Drug Administration (FDA) oversight. Additionally, these products have been recognized by a variety of domestic and international organizations for their role in reducing the potential risk of exposure to potentially pathogenic microorganisms in numerous “high risk” settings or situations because of their ability to reduce the microbiological flora on the skin.

For the foregoing reasons, the Commonwealth of Massachusetts should not restrict the use of hand soaps because the ability to protect public health in variety of school-based applications would also thereby be limited.

ACI Promotes Human Health and Environmental Safety in Schools

Ensuring human health and environmental safety are priorities for ACI members. Sound, technical research has demonstrated the safe and beneficial use of cleaning products and their ingredients when properly used. The health benefits of cleaning products are undisputed, and the historical correlation between improved personal hygiene and reduced infant mortality rates and disease reduction are well established. ACI works closely with the Centers for Disease Control and Prevention (CDC) and many other public and private entities to promote public health. Two leading examples demonstrate this commitment:

- ACI works in cooperation with the CDC on the “*Healthy Schools, Healthy People It’s a SNAP*” (*School Network for Absenteeism Prevention*) program. The program features an annual national contest with middle schools competing to develop the most effective communication program demonstrating that handwashing is essential to breaking the chain of disease transmission.
- ACI has teamed-up with the National Education Association (NEA) Health Information Network and the CDC to create the National *C.L.E.A.N.*TM - *Custodial Leaders for*

Environmental Advocacy Nationwide award to recognize the contributions that custodians make to public health in their schools, communities, and their profession.

ACI Is Substantively Engaged on Environmentally Preferable Procurement Policy Issues

ACI is recognized for its contributions in many areas including-

Standards Activities:

- ACI has participated in the development of the ASTM Standard “*Guide for Stewardship for the Cleaning of Commercial and Institutional Buildings.*” The guide assists owners and operators of commercial and institutional buildings in the stewardship of cleaning and housekeeping operations. It maximizes eco-efficiency, and is designed to minimize adverse impacts on building occupants, cleaning personnel, and the building structure.

Federal Agency Activities:

- ACI has worked with the U.S. Environmental Protection Agency (EPA) on drafting its *Guidance on Environmentally Preferable Purchasing*. ACI has also been engaged with EPA on its *Design for the Environment Formulator Program*. The DfE program gathers hazard information on chemical ingredients and works with science experts across EPA offices to assess information and compare the relative hazards of chemicals.
- An important element in any effective green cleaning program is accurate product claims. ACI supports the purpose behind the Federal Trade Commission’s *Guides for the Use of Environmental Marketing Claims* (“Green Guides) to promote truthful, accurate representations about environmental characteristics that allow consumers to drive the movement toward environmentally safe products. ACI has been an active participant in recent agency activities to revise the GreenGuides, and commends them to the Committee for consideration.

Conclusion

ACI appreciates the opportunity to testify before the Committee on these measures. ACI is the association for cleaning products, and stands ready to serve as a resource to any state-based entity in this regard. More information about ACI can be found at www.cleaninginstitute.org. For future reference, my contact information is (202) 662-2514(direct dial) or via electronic mail at jcassady@cleaninginstitute.org.