

Department of Legislative Services  
Maryland General Assembly  
2009 Session

FISCAL AND POLICY NOTE  
Revised

House Bill 1363  
Ways and Means

(Delegate Murphy, *et al.*)

Education, Health, and Environmental Affairs

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County Boards of Education - Procurement of Green Product Cleaning Supplies

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This bill requires local boards of education to procure, to the extent practicable and economically feasible, green product cleaning supplies for use in schools. Green product cleaning supplies are defined as those that have positive environmental attributes, including biodegradability, low toxicity, low volatile organic compound content, reduced packaging, and low life cycle energy use. Local school systems must draft specifications that provide a clear and accurate description of the functional characteristics or nature of the cleaning products to be purchased. The bill applies only prospectively and does not affect cleaning supplies in inventory on the bill's effective date, which may continue to be used until those supplies are exhausted. It also does not affect any obligation or contract to purchase cleaning supplies that is in place on the bill's effective date.

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Fiscal Summary

**State Effect:** None. The bill applies only to local school systems.

**Local Effect:** Local school system expenditures potentially increase ranging from \$6,000 in the smallest systems to \$200,000 in the largest systems for green cleaning supplies. Actual costs may vary depending on the standards and criteria for green cleaning supplies adopted by each school system and on the length and terms of current contracts for cleaning supplies. **This bill may impose a mandate on a unit of local government.**

**Small Business Effect:** None.

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## Analysis

**Bill Summary:** The specifications drafted by a local board of education must allow disinfectants, disinfecting cleaners, sanitizers, or other antimicrobial products regulated by the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) to be used when necessary. Multiple avenues of green product cleaning supplies certification must be permitted.

**Current Law:** There are no restrictions on the purchase of cleaning supplies by local boards of education.

Current law prohibits a person from using, selling, manufacturing, or distributing for use or sale within the State any “cleaning agent” that contains more than 0.0% phosphorus by weight expressed as elemental phosphorus except for an amount not exceeding 0.5% phosphorus that is incidental to manufacturing. Detergents used in dishwashing machines, whether commercial or household, are currently exempt from the prohibition until January 1, 2010.

FIFRA authorizes the U.S. Environmental Protection Agency (EPA) to review and license pesticides for specified uses. Pesticide products must be licensed by EPA before they can be manufactured, transported, or sold. If subsequent information shows a pesticide poses an unreasonable risk, EPA has the authority to revoke its license.

**Background:** There are currently two leading standard-setters and certifiers of “green” products. Green Seal, a Washington, DC-based nonprofit organization, establishes minimum standards for “environmentally responsible” products and certifies products that meet its standards. The Environmental Choice Program’s EcoLogo certification program, launched by the Canadian government in 1988 and administered by TerraChoice Environmental Marketing, offers a competing certification. Between them, Green Seal and EcoLogo have standards for bathroom cleaners, general purpose cleaners, carpet cleaners, glass cleaners, and floor strippers. Though they differ somewhat, their standards generally require that ingredients used in certified products be biodegradable and nontoxic to humans and that packaging be recyclable.

In the 1990s, Santa Monica, California became the first major city to adopt a policy of purchasing green cleaning supplies. Since then, San Francisco and Seattle have followed suit, as have Yellowstone and Grand Teton National Parks. According to Green Seal, New York, New Jersey, and Illinois have enacted legislation requiring or encouraging school systems to use green cleaning supplies.

**Local Expenditures:** Green Seal has not conducted nor is it familiar with any systematic studies of the cost differential between traditional cleaning supplies and Green Seal-certified products. Case studies obtained by Legislative Services regarding the

experiences in Santa Monica and the two national parks that adopted green cleaning policies specifically state that they did not track or examine cost impacts.

In the absence of cost studies for green cleaning supplies, the best estimate available of the potential cost impact of purchasing green cleaning supplies comes from the Howard County Public Schools. In 2006, the Howard County school system solicited bids for Green Seal-certified cleaning products. Based on a rough analysis of the bids it received, it estimates that purchasing a year's supply of certified products will increase its costs by about \$65,000 annually over what it pays for comparable products that are not certified. Howard County notes that not all types of cleaning supplies have Green Seal-certified equivalents, although the market is expanding to meet increased demand. Since 2006, Green Seal-certified graffiti scrubs and crème cleaners have reached the market.

Based on Howard County's experience, individual school systems may experience increased costs for cleaning supplies ranging from \$6,000 in the smallest school systems to almost \$200,000 annually in the largest, beginning in fiscal 2010. This estimate is based on the \$65,000 bid Howard County received for an inventory of 72 schools, compared with a low of 8 schools in Kent and Talbot counties and a high of 215 schools in Prince George's County. Actual costs will vary depending on the standards and criteria adopted by each local board, as permitted by the bill, and on the length and terms of current contracts for cleaning supplies.

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### **Additional Information**

**Prior Introductions:** HB 596 of 2008 was withdrawn after receiving a hearing in the House Ways and Means Committee.

**Cross File:** None.

**Information Source(s):** Maryland State Department of Education, Maryland Department of the Environment, Garrett and Howard counties, Department of Legislative Services

**Fiscal Note History:** First Reader - March 16, 2009  
mcp/mwc Revised - House Third Reader - April 6, 2009  
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