

HOUSE BILL No. 4978

September 19, 2017, Introduced by Reps. Camilleri, Chang, Wittenberg, Pagan, Geiss, Yanez, Green, Moss, Sneller, Ellison, Rabhi, Sowerby, Clemente, Hoadley, LaGrand, Durhal, Greimel, Liberati, Hammoud and Gay-Dagnogo and referred to the Committee on Appropriations.

A bill to amend 1976 PA 451, entitled
"The revised school code,"
(MCL 380.1 to 380.1852) by adding section 1275.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 1275. (1) NOT LATER THAN JANUARY 1, 2018, THE STATE BOARD
2 SHALL REVISE ITS MODEL LOCAL WELLNESS POLICY FOR LOCAL EDUCATION
3 AGENCIES TO INCLUDE A MODEL HEALTHY SCHOOL ENVIRONMENT POLICY,
4 FEATURING A PLAN AND SCHEDULE FOR TESTING THE WATER IN EVERY PUBLIC
5 SCHOOL FOR LEAD AND OTHER CONTAMINANTS, AS DETERMINED BY THE STATE
6 BOARD, AND A PLAN AND SCHEDULE FOR TESTING INDOOR AIR QUALITY IN
7 EVERY PUBLIC SCHOOL FOR CARBON DIOXIDE, PARTICULATE MATTER,
8 FORMALDEHYDE, VOCs, AND ANY OTHER SUBSTANCES AS DETERMINED BY THE
9 STATE BOARD. THE MODEL HEALTHY SCHOOL ENVIRONMENT POLICY CREATED
10 UNDER THIS SUBSECTION SHALL PROVIDE THAT THE DRINKING WATER AT
11 EVERY PUBLIC SCHOOL IS TESTED WITHIN 90 DAYS OF THE CREATION OF THE

1 MODEL HEALTHY SCHOOL ENVIRONMENT POLICY. THE MODEL HEALTHY SCHOOL
2 ENVIRONMENT POLICY SHALL INCLUDE A DESCRIPTION OF THE VARIOUS
3 SOURCES, CONTAMINANTS, OR FACTORS THAT COULD POTENTIALLY CONTRIBUTE
4 TO POOR INDOOR AIR OR WATER QUALITY AT A PUBLIC SCHOOL AND
5 GUIDELINES FOR A LOCAL EDUCATION AGENCY'S RESPONSE TO THE PRESENCE
6 OF THE VARIOUS SOURCES, CONTAMINANTS, AND OTHER FACTORS IN A PUBLIC
7 SCHOOL. THE STATE BOARD SHALL SPECIFICALLY EVALUATE COMMON CAUSES
8 OF CONTAMINATION OF INDOOR AIR AND DRINKING WATER, INCLUDING, BUT
9 NOT LIMITED TO, WATER PIPES, ON-SITE DISTRIBUTION SYSTEMS FOR WATER
10 AND AIR, HVAC MAINTENANCE, PAINTS AND COATINGS, AND CLEANING
11 PRODUCTS. THE STATE BOARD SHALL MAKE RECOMMENDATIONS FOR
12 IMPROVEMENTS BASED ON THE EVALUATION UNDER THIS SUBSECTION.

13 (2) NOT LATER THAN 1 YEAR AFTER THE CREATION OF THE MODEL
14 HEALTHY SCHOOL ENVIRONMENT POLICY UNDER SUBSECTION (1), THE
15 GOVERNING BOARD OF A LOCAL EDUCATION AGENCY SHALL SUBMIT TO THE
16 DEPARTMENT A REVISION OF ITS LOCAL WELLNESS POLICY THAT INCLUDES A
17 PLAN THAT IS CONSISTENT WITH THE STATE BOARD MODEL HEALTHY SCHOOL
18 ENVIRONMENT POLICY CREATED UNDER SUBSECTION (1) FOR TESTING THE
19 WATER AND AIR IN EVERY PUBLIC SCHOOL FOR THE CONTAMINANTS SPECIFIED
20 BY THE STATE BOARD.

21 (3) THE DEPARTMENT SHALL REQUIRE EACH LOCAL EDUCATION AGENCY
22 TO SUBMIT ITS LOCAL WELLNESS POLICY TO THE DEPARTMENT FOR REVIEW AT
23 LEAST EVERY 5 YEARS, OR MORE FREQUENTLY IF REQUIRED UNDER FEDERAL
24 LAW.

25 (4) NOT LATER THAN 1 YEAR AFTER THE EFFECTIVE DATE OF THIS
26 SECTION, THE DEPARTMENT, IN CONJUNCTION WITH THE DEPARTMENT OF
27 ENVIRONMENTAL QUALITY, SHALL PROMULGATE RULES SETTING FORTH

1 REQUIREMENTS FOR ACTION TO BE TAKEN BY A LOCAL EDUCATION AGENCY
2 WHEN TESTING DISCLOSES CONTAMINATION ABOVE ACCEPTABLE LEVELS.

3 (5) A LOCAL EDUCATION AGENCY SHALL ENSURE THAT NOT LESS THAN
4 75% OF CLEANING PRODUCTS USED IN A PUBLIC SCHOOL ARE GREEN PRODUCT
5 CLEANING SUPPLIES AND MEET THE FOLLOWING:

6 (A) CLEANING CHEMICALS AND SKIN CARE PRODUCTS MUST CARRY 1 OR
7 MORE OF THE FOLLOWING CERTIFICATIONS:

8 (i) UNITED STATES ENVIRONMENTAL PROTECTION AGENCY'S SAFER
9 CHOICE.

10 (ii) GREEN SEAL.

11 (iii) GREEN GUARD.

12 (iv) ENVIRONMENTAL CHOICE.

13 (v) ANY OTHER CERTIFICATION DEEMED APPROPRIATE BY THE STATE
14 BOARD.

15 (B) PAPER PRODUCTS AND TRASH LINERS MUST CARRY 1 OR MORE OF
16 THE FOLLOWING CERTIFICATIONS OR GUIDELINES:

17 (i) FSC (FOREST STEWARDSHIP COUNCIL).

18 (ii) UNITED STATES ENVIRONMENTAL PROTECTION AGENCY'S
19 GUIDELINES FOR POSTCONSUMER RECYCLED CONTENT.

20 (iii) GREEN SEAL.

21 (iv) ENVIRONMENTAL CHOICE.

22 (v) ANY OTHER CERTIFICATION DEEMED APPROPRIATE BY THE STATE
23 BOARD.

24 (6) THE STATE BOARD SHALL COORDINATE WITH EACH LOCAL EDUCATION
25 AGENCY TO PROVIDE TECHNICAL ASSISTANCE DURING THE SCHOOL AIR AND
26 WATER QUALITY TESTING. THE STATE BOARD SHALL ALSO MONITOR THE
27 FINDINGS OF THE LOCAL EDUCATION AGENCY AND, NOT LATER THAN 6 MONTHS

1 AFTER THE TESTS ARE COMPLETED, GENERATE A REPORT OF THE FINDINGS
2 FOR REVIEW BY THE LEGISLATURE OF THIS STATE. THE REPORT SHALL DO AT
3 LEAST ALL OF THE FOLLOWING:

4 (A) EVALUATE THE RISKS FOUND ACROSS THE PUBLIC SCHOOLS TESTED.

5 (B) EVALUATE WHETHER ADDITIONAL FUNDS ARE NEEDED TO ENSURE
6 THAT ALL PUPILS IN THIS STATE ATTEND HEALTHY SCHOOLS.

7 (C) EVALUATE EXISTING MODELS AND FRAMEWORKS, INCLUDING, BUT
8 NOT LIMITED TO, EPA TOOLS FOR SCHOOLS, US DEPARTMENT OF EDUCATION
9 GREEN RIBBON SCHOOLS PROGRAM, AND US GREEN BUILDING COUNCIL'S LEED
10 FOR SCHOOLS.

11 (7) THE STATE BOARD SHALL CONSULT WITH THE DEPARTMENT OF
12 ENVIRONMENTAL QUALITY ON THE REVISION OF THE MODEL LOCAL WELLNESS
13 POLICY UNDER SUBSECTION (1).

14 (8) AS USED IN THIS SECTION:

15 (A) "LOCAL EDUCATION AGENCY" MEANS THAT TERM AS DEFINED IN 34
16 CFR 303.23.

17 (B) "GREEN PRODUCT CLEANING SUPPLIES" MEANS ENVIRONMENTALLY
18 PREFERABLE CLEANING AND MAINTENANCE PRODUCTS AND SUPPLIES INTENDED
19 FOR ROUTINE CLEANING AND CLEANING MAINTENANCE THAT PERFORM WELL AND
20 HAVE POSITIVE HEALTH AND ENVIRONMENTAL ATTRIBUTES, INCLUDING, BUT
21 NOT LIMITED TO, BIODEGRADABILITY, LOW TOXICITY, LOW VOLATILE
22 ORGANIC COMPOUND CONTENT, REDUCED PACKAGING, LOW LIFE-CYCLE ENERGY
23 USE, AND LESSER OR REDUCED EFFECTS ON HUMAN HEALTH AND THE
24 ENVIRONMENT WHEN COMPARED TO COMPETING PRODUCTS THAT SERVE THE SAME
25 PURPOSE.

26 Enacting section 1. This amendatory act takes effect 90 days
27 after the date it is enacted into law.

1 Enacting section 2. This amendatory act does not take effect
2 unless Senate Bill No. ____ or House Bill No. 4979 (request no.
3 04182'17) of the 99th Legislature is enacted into law.