

Senate Bill No. 185—Senators Copening, Parks, Wiener; Breeden,
Coffin, Hardy, Lee, Mathews and Woodhouse

Joint Sponsors: Assemblymen Bobzien; Aizley,
Hogan, Mastroluca and Munford

CHAPTER.....

AN ACT relating to education; requiring the Department of Education to adopt regulations setting forth the standards for environmentally sensitive cleaning and maintenance products for use in the cleaning of all floor surfaces in the public schools; requiring school districts to ensure that only environmentally sensitive cleaning and maintenance products are used in the cleaning of all floor surfaces in the public schools; prescribing the process for a waiver under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 2 of this bill expresses the intent of the Legislature with regard to the manner in which school districts may reduce the potential exposure of pupils and school personnel to potentially hazardous chemicals and substances.

Section 3 of this bill requires the Department of Education to adopt regulations setting forth the standards for environmentally sensitive cleaning and maintenance products for use in the cleaning of all floor surfaces in the public schools in this State. **Section 3** also requires school districts to ensure that only environmentally sensitive cleaning and maintenance products for use in the cleaning of all floor surfaces are used in the public schools in accordance with the regulations adopted by the Department. **Section 3** further provides that a school district may submit a written request to the Department for a waiver from these requirements under certain circumstances and authorizes the board of trustees of a school district to use environmentally sensitive cleaning and maintenance products for use in the cleaning of any other surfaces.

Section 5 of this bill requires school districts to ensure that the public schools within the school district comply with the requirements of **section 3** of this bill on or before July 1, 2010.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 386 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. *The Legislature declares that:*

1. Children are particularly vulnerable to and may be severely affected by exposure to chemicals, hazardous wastes and other environmental hazards that may be used for cleaning and maintenance in the public schools; and



2. It is the intent of the Legislature to reduce the possible exposure of pupils and school personnel to potentially hazardous chemicals and substances which are used in the cleaning and maintenance of the public schools in this State.

Sec. 3. 1. The Department of Education shall, in consultation with each school district, the State Department of Conservation and Natural Resources, the Department of Health and Human Services and other interested parties, including, without limitation, representatives of the cleaning and maintenance product industry, nongovernmental agencies and organizations, and parents and legal guardians of pupils enrolled in the school district, adopt regulations setting forth the standards for environmentally sensitive cleaning and maintenance products for use in the cleaning of all floor surfaces in the public schools.

2. The Department shall provide a sample list of approved environmentally sensitive cleaning and maintenance products for use in the cleaning of all floor surfaces to each school district based upon the standards prescribed pursuant to subsection 1.

3. The Department shall, at least every 2 years, review and may amend the sample list developed pursuant to subsection 2 as necessary.

4. Except as otherwise provided in subsections 6 and 7, each school district shall ensure that the public schools within the school district use only environmentally sensitive cleaning and maintenance products in the cleaning of all floor surfaces in the public schools within the school district in accordance with the regulations adopted pursuant to subsection 1.

5. The board of trustees of a school district may consult with persons who are knowledgeable and have experience in environmentally sensitive cleaning and maintenance products to determine if the board of trustees should:

(a) Submit a written request to the Department pursuant to subsection 6 or 7.

(b) Use any other environmentally sensitive cleaning and maintenance products in the public schools within the school district pursuant to subsection 9.

6. If the board of trustees of a school district determines that the costs associated with the purchase or use of environmentally sensitive cleaning and maintenance products for use in the cleaning of floor surfaces are unreasonable and would place an undue burden on the efficient operation of the school district or a particular school within the school district, the board of trustees may submit a written request to the Department for a waiver from



purchasing and using environmentally sensitive cleaning and maintenance products for use in the cleaning of floor surfaces for the school district as a whole or for a particular school or schools within the school district.

7. If the board of trustees of a school district determines that an environmentally sensitive cleaning and maintenance product for use in the cleaning of floor surfaces which is not included in the sample list developed pursuant to subsection 2 is more economically feasible or is a more effective environmentally sensitive cleaning and maintenance product, the board of trustees may submit a written request to the Department for a waiver to purchase and use such an environmentally sensitive cleaning and maintenance product that complies with the standards prescribed pursuant to subsection 1.

8. If a waiver is granted by the Department pursuant to subsection 6 or 7, the waiver is effective for 1 year after the date of its approval and a renewal may be requested on an annual basis in the manner set forth in subsection 6 or 7, as applicable.

9. In addition to the environmentally sensitive cleaning and maintenance products for use in the cleaning of floor surfaces in the public schools within the school district required pursuant to subsection 1, the board of trustees of a school district may use environmentally sensitive cleaning products for use in the cleaning of any other surfaces.

10. The regulations adopted by the Department must not prohibit the use of any disinfectant, sanitizer, antimicrobial product or other cleaning product when necessary to protect the health and welfare of the pupils enrolled in a school within the school district and the educational personnel of the school district.

11. As used in this section, "environmentally sensitive cleaning and maintenance products" means cleaning and maintenance products that reduce the chemicals, hazardous wastes and other environmental hazards to which pupils and school personnel may be exposed.

Sec. 4. On or before January 1, 2010, the Department of Education shall adopt the regulations required by section 3 of this act.

Sec. 5. On or before July 1, 2010, each school district shall:

1. Ensure that only environmentally sensitive cleaning and maintenance products for use in the cleaning of all floor surfaces are used in the public schools within the school district in accordance with the regulations adopted pursuant to section 3 of this act; or



2. Request a waiver from the Department of Education pursuant to section 3 of this act.

Sec. 6. 1. On or before January 1, 2011, the board of trustees of each school district shall prepare and submit to the Department of Education a written report regarding the implementation of the use of environmentally sensitive cleaning and maintenance products for use in the cleaning of all floor surfaces in the public schools within the school district. The report must include, without limitation:

(a) A description of the cleaning and maintenance products that were replaced, if any;

(b) A description of the environmentally sensitive cleaning and maintenance products that are used in the public schools within the school district;

(c) A description of any requests for a waiver that the school district submitted to the Department and the status of the request; and

(d) An evaluation of the effectiveness of the use of environmentally sensitive cleaning and maintenance products on the health and safety of the pupils and school personnel in the school district.

2. On or before February 1, 2011, the Department of Education shall submit a written report to the Director of the Legislative Counsel Bureau for transmission to the 76th Session of the Nevada Legislature regarding the implementation of the use of environmentally sensitive cleaning and maintenance products in the cleaning of all floor surfaces in the public schools within the school districts in this State. The report must include, without limitation:

(a) A compilation of the reports submitted by each school district pursuant to subsection 1; and

(b) A description of the requests for a waiver submitted by school districts to the Department pursuant to section 3 of this act, including, without limitation:

(1) The number of waivers that were granted by the Department and the justification for each waiver; and

(2) The number of waivers that were denied by the Department and the reasons for each denial.

Sec. 7. This act becomes effective on July 1, 2009.

