

GREEN CLEANING SCHOOLS ACT
Product Policy Subcommittee Meeting Minutes
Thursday, November 1, 2007 at 2:30pm

* * * *Minutes subject to subcommittee approval* * * *

1. Welcome and Introductions

Present on the call:

Steve Ashkin – Askin Group
Bill Balek – ISSA
Pete Beaulieu – Illinois State University
Mark Bishop – Healthy Schools Campaign
Vince Fagan – United Supply Service
Chris Grissom – Correctional Industries
Coletta Hines-Newell – Illinois School Nutrition Association
Vyki Jackson – Illinois Department of Human Services
Bill Layfield – Consumer Specialty Products Association (CSPA)
Gary Miller – Waste Management and Research Center (WMRC)
Dan Persky – Lt. Governor’s Office
Carol Pinkerton – Central Management Services (CMS)
Mark Samios – Portion Pac
Jim Sheffer – Southern Illinois Public Cooperative (SIPC)
Kate Tomford – Lt. Governor’s Office
Jim Underwood – Correctional Industries

Gary Miller: This is the second meeting of the Product Policy Subcommittee for developing guidelines for the Green Cleaning Schools Act. This call will be more formal than the last one. We’ll be addressing the agenda points and conducting roll-call votes. The outcome of our call will be recommendations to the Council when the committee meets as a whole next Wednesday, Nov. 7. What we have outlined in the agenda are some issues to vote on today. We envision reporting to the whole committee the results of this call today. There will be opportunities to participate in the whole committee as well, so whatever we do today is not necessary the final decision on these issues..

Steve Ashkin: I would like to state a couple points as we get started. First, we can all agree that whoever speaks should say their name before speaking. Second, it’s important to remember that the Illinois legislation has a very short window of time. It’s important to remember why we’re moving through this process so quickly – not to circumvent anyone, but based on the requirements of the legislation.

Gary Miller: The legislation allows for an ongoing effort to continue to refine the guidelines, so we might not get to every issue in this round, but we’ll develop as full and robust a set of guidelines as possible. Bill and I have divided up the agenda for today, so we’ll share the moderation of the discussion.

2. Approval of the October 18 Meeting Minutes.

Gary Miller: Let’s move on to the approval of the minutes from our October 18th meeting. Kate distributed those last week. Any discussion?

[No discussion; Bill Balek moved to approve the minutes; Mark Bishop seconded the motion; no one opposition the motion. Hearing no opposition, the subcommittee approved the minutes.]

3. Question: Should the guidelines reference eco-label programs?

Bill Balek: Our task today is to put together recommendations for the committee next Wednesday. Last time, we took the time to educate people on the broad issues. We're on a short timeframe due to the legislation. The guidelines must be completed and handed over to the schools in February. While it is our objective to determine the guidelines to define environmentally sensitive cleaning products, it's not our objective to come up with the final wording – so let's not get bogged down in wordsmithing. We need to decide on the broad framework, which will be reflected in the recommendations to the committee. To assist in this, we provided background reading to assist everyone in making an informed decision. I'd like to draw attention to the text appended to the end of today's agenda: the Summary of the Scope of Coverage of the Three Major Eco-Label Organizations – Green Seal (GS), Environmental Choice (EC), and USEPA's Design for the Environment (DfE). That document addresses the standards that have been established by each of those organizations and the range of products covered. Also, to give you a more concrete concept, we circulated a document titled Potential Approaches to Defining Environmentally Preferred Purchasing of Chemical Products. Are there any questions or comments at this point? [No.] One of the first issues from last call is the threshold question of whether we adopt an approach that recommends the three major eco-label programs or should we reinvent the wheel. We heard some pros and cons last time. Reinventing the wheel would make it difficult for industry to hit Illinois's specific targets; it also raises the challenge of having multiple avenues, which is required by statute; also, Steve mentioned the issue of expediency. Let's have a discussion on this question – open it up for conversation. Is there a consensus to move forward?

Mark Bishop: I am concerned about the option to start from scratch – for expediency reasons, but also because the eco-labels are the direction that the market is going. They offer a lot of clarity to both manufacturers and consumers.

Bill Balek: Bill Layfield, do you have any thoughts on this?

Bill Layfield: We don't see a lot to be gained to start from scratch. It's important to us that not any one single program be anointed. It's also important – especially for our smaller members – that manufacturers can meet the standard without having to pay for the seal. We support that concept of a variety of avenues. All three are acceptable to us, assuming we also have the fourth option.

Steve Ashkin: The only thing I'd like to add is on the point about self-certification... manufacturers have to certify to one of the other standards, not to their own definition of a green product. We want them to adhere to the same criteria as the other approved product – not just package their product in a cardboard box and demonstrate that it's biodegradable.

Bill Layfield: That's fine – we have no problem meeting the recognized standards.

Mark Samios: Bill, how would you say a manufacturer would self-certify, with the Green Seal people having to do site visits and inspect the manufacturing operation?

Bill Layfield: It's my understanding that the Green Seal standards are out there – they're published... so the outside lab would have the standards (although this is not true for DfE). You would have to follow the chemical composition requirements that Green Seal sets, for example, in terms of ingredients and performance standards. Also, the state might want to designate the standard for which labs are approved to perform these tests. There are some industry standards that would suffice.

Gary Miller: If you happen to notice on Bill's doc for EPP, the very last thing is for those products not covered by a category. This is a discussion we'll have to have. The other thing is that we talked about the marketplace. Everything is evolving in this area – products are improving and certification programs are evolving. If we adopt their programs, we adopt their evolutions. But if we make up our own, of when we're considering whatever we come up with under other categories, this issue of evolution (keeping current with the evolution) will be more challenging.

Bill Balek: Time is short, so before we stray too far, let's go back to the threshold question. I'm getting a sense that the group is leaning toward building guidelines around the eco-label programs – is this true?

Mark B: I do have a certain level of discomfort with the self-certification program. I think the idea of requiring certain labs helps. Is there an agency at the state level that will have responsibility for maintenance of the list?

Bill Balek: We will address that specific question a little later on. For now, are we rejecting the new criteria approach? Would the group be in favor of creating a brand new approach?

Kate Tomford: Let's define the vote in terms of approving the use of eco-label programs (one or more) as the basis for the guidelines. Is anyone opposed to this proposal? Hearing no opposition, the subcommittee approves the use of eco-label programs (one or more) as the basis for the guidelines.

4. Question: Which eco-label programs will be referenced in the guidelines?

a. Green Seal (GS)

Bill Balek: The next question is: which of those eco-label programs will we incorporate? This is where we'll get into the question of whether we'll allow a test-in or "self-certification" option. The primary organizations/methods we're considering are GS, DfE, EC, and independent documentation. What we're looking for is conceptual buy-in. After that, we'll address the particular product categories that we recommend. First, we'll address GS. GS is probably the most recognized of all certifications. Within GS, the three primary standards are GS-37 (broadest), GS-41 (hand soaps and hand cleaners), and GS-40 (floor care products including finishes and strippers). Is there the need for discussion on this?

Steve Ashkin: I just want to make sure I clearly understand. This decision is just about including Green Seal or particular product standards under GS?

Bill Balek: First, we'll address GS generally as a certification program; later on, we'll address which product categories.

Chris Grissom: I agree with the existing certification standards – can we go through each organization then go to products?

Gary Miller: The way I was looking at it was deciding first whether the GS process and criteria are acceptable. Then we'll decide about the categories. Does anyone oppose GS?

Kate Tomford: Let's take a vote on GS. Is anyone opposed to including GS as an approved certification program in the product guidelines? Hearing no opposition, the subcommittee approves the inclusion of Green Seal.

b. Environmental Choice (EC)

Bill Balek: The next organization we're considering is Environmental Choice and their Eco-logo program. They are less well known because they previously operated only in Canada, but they recently opened a U.S. office. They operate very similarly to Green Seal. Product certified to their standards bear the eco-logo. On a number of standards, they use identical criteria to GS – for example, I think, hand soaps. They have a very good reputation and they're gaining recognition here in the U.S.

Chris Grissom: What's the timeframe for the certification process? With GS, there can be a long lag time between applying and receiving certification.

Dan Persky: GS claims that they give approval in about 3 months. I'm not sure about EC, but they are likely similar.

Bill Balek: It depends how closely your product already meets the criteria.

Jim Sheffer: I'm probably stating the obvious, but approving EC in addition to GS creates another option for both manufacturers and consumers and opens the field up to more competition.

Gary Miller: Also, EC covers more categories.

Bill Balek: Yes, including such exciting products as urinal pucks!

Steve Ashkin: Also, to the comment about the time lag for certification, my suspicion is that it takes more than three months. The important question is whether there will be reasonable availability and breadth of products when these guidelines go into effect. From the schools' perspective, they will have ready access to products to be able to implement the legislation. Over 100 manufacturers are now certified.

Bill Balek: That's the beauty to defining multiple avenues. By embracing such an approach, we ensure a pretty good supply in the pipeline.

Chris Grissom: We have a situation that may be more specific to Illinois. Janitorial products are a mandated small business set-aside category. This wouldn't necessarily impact schools, but it may affect what the state does with their procurement process – is this correct, Carol?

Carol Pinkerton: Yes, it could affect procurement.

Bill Balek: That issue may fall within the purview of the Procurement subcommittee. This law requires the schools to procure and use green products. The tricky part will be the overlay with other existing laws and policies.

Chris Grissom: I'm a strong advocate of the green movement, but this is a concern of several of my suppliers. There's a real concern on the part of small Illinois businesses that they'll be cut out of the product selection. From my experience, it's almost as expensive to lab test as it is to apply for certification from one of the organizations.

Jim Sheffer: Are we talking about distributors or manufacturers?

Chris Grissom: I think the concern is from manufacturers that go through distribution.

Bill Balek: Realizing that we have a limited amount of time, these issues are probably better addressed by Procurement or offline.

Kate Tomford: Let's take a vote on EC. Is anyone opposed to including EC as an approved certification program in the product guidelines? Hearing no opposition, the subcommittee approves the inclusion of Environmental Choice.

c. Design for the Environment (DfE)

Bill Balek: This brings us to DfE. It's somewhat of a different entity. It's from the EPA's Office of Pollution and Toxic Substances. They operate differently by engaging formulators in a memorandum of understanding, then working with them to design environmentally sensitive products. DfE originally started as a consultation service, but it is increasingly becoming considered a form of recognition. It also applies to a broader range of products than GS, like EC. If you go through all three agencies' product lists, you'll see a lot of overlap. This is suggestive of highly similar criteria, although getting there through different paths.

Mark Samios: As a manufacturer, we looked at what we considered to be the consensus standard, which was GS. We viewed EC as essentially the same thing as GS. Our customers do not view DfE in the same way as GS – it's an entirely different program.

Bill Balek: Do you have concerns about that?

Mark Samios: When you submit to GS, the requirements and criteria are clear – they're not up for discussion or manipulation.

Bill Balek: Have you had an opportunity to review DfE's criteria recently?

Mark Samios: I'm familiar with it.

Bill Balek: They've gotten more specific in the last year. The areas where they're not as specific are with respect to fragrances and respiratory irritants.

Mark Bishop: I'll say on the record that a year and a half ago, we looked at EPA and we felt it wasn't transparent enough. Also, about a year ago, there were changes to the program that really address

a lot of the concerns. A year and a half ago, I would not have supported it, but now we think it adds value to bring it in as one of the appropriate options.

Bill Balek: Mark is alluding to the time between New York State forming their guidelines and now. NYS rejected DfE on the basis of transparency. At that time, DfE had not evaluated the criteria of those products that they recognize. Since then, they have ramped up in that regard. The second area was product efficacy. That was an area where DfE was deficient. In my opinion, I think they have improved their program substantially.

Mark Samios: How do they currently address the fragrance issue?

Bill Balek: They are actually much tougher on fragrances and respiratory irritants now. That's the benefit of pitting these standards against each other. Competition benefits us all – including government agencies.

Jim Sheffer: Bill, I couldn't agree with you more – not just with these agencies, but all the way through this supply chain.

Vince Fagan: I think we're deciding which organizations right now, then later we're addressing specific product categories – right?

Bill Balek: Yes, right now we're voting one-by-one on the certification organizations.

Kate Tomford: It seems as though we're ready to vote on DfE. Is anyone opposed to including DfE as an approved certification program in the product guidelines? Hearing no opposition, the subcommittee approves the inclusion of define for the Environment.

d. Alternative independent testing process for non-certified/recognized products

Bill Balek: This brings us to the issue of whether we'll allow manufacturers to test into the qualified list with 3rd party verification.

Gary Miller: I've had some people contact me with concern about product approval. They didn't want to have to get one of the other labels. Maybe there's a category where one of the labels is limited. There are a million details on how to set up such a program, but I just think we need to provide such an avenue.

Bill Layfield: I've got two types of members that want this flexibility. Small ones who view this as a way to address cost, and large ones who say – whether it's a matter of pride or the fact that they have plenty of internal resources (toxicologists, chemists) – they're willing to pay but they don't want to turn to a smaller certification organization.

Pete Beaulieu: We just want to know that we're in compliance. We have a product that we use right now that works, and we need to know whether it complies with the guidelines.

Vyki Jackson: The concern I have is monitoring compliance with this law. The monitors will have to have criteria by which to determine if a school is in compliance. If, for example, the Board of Education checks for compliance, it would be a lot more work for them to approve products that don't have obvious certification.

Kate Tomford: I think the approval would be straightforward for the enforcers, because they will just check the products against the approved list – they won't have to check the actual lab-reported qualifications of the product. Also, the lab reports should be fairly easy to interpret – just determine whether the numbers they report are sufficient according to the numbers that GS (or another program) requires. One of the state agencies (whether CMS or EPA or another) would have to take responsibility for this.

Gary Miller: You're right, though – there is a high administrative cost.

Mark Bishop: There is a real administrative cost. If the state isn't willing to bear this cost, there is a concern about compliance. Also, for the manufacturers, there's still this cost of third party testing. My understanding of GS is that most of the cost goes to testing.

Bill Balek: The cost factor in gaining GS certification is the price that you pay to GS for the services they provide: an initial fee and an annual renewal fee. Those can be sizeable fees. In addition to those fees, the manufacturer is likely to incur other costs related to the fact that they might have to

reformulate their product. If you go with third party testing, the costs are saved in the certification fees.

Bill Layfield: I wish I could say more, but I just know that companies have expressed concern to me.

Bill Balek: Yes, and obviously there is a multiplier effect if a manufacturer wants to certify multiple products – that can become somewhat pricey. I should also point out that when NYS put together their guidelines, they used this as an option, and I have not heard objections to their system. This is a question for Kurt.

Steve Ashkin: What a lot of the consumers have been concerned about is the lack of testing. We find that among the smaller manufacturers. The big guys have the resources to test. The smaller manufacturers often limit their testing to performance testing – they don't have the toxicologists on site to conduct the other health-related tests. It became very important for consumers to make sure these products were going to testing. The main cost for GS and EC are for testing – about \$5000 to \$7000 per product. If a company can't afford to do this testing on serious chemicals, we've got a serious problem. The real problem is for the small guys. My recommendation for the state is to have multiple avenues and to set another compliance path for some companies that don't want to put someone else's seal on their products. We should give them another option, but make sure it's set to a reliable standard. Also, the state deals with lots of different stakeholders, and for political reasons, we need to have this alternative option to qualify products.

Bill Balek: For the sake of time, we should move to a vote. The issue is should we provide an option to allow a manufacturer to provide independent documentation from a 3rd party lab to meet the standards of a certified product?

Vyki Jackson: Are we comfortable that an agency can handle this?

Kate Tomford: Yes, I think we can ensure that an agency takes on this responsibility.

Steve Ashkin: We also need to specify the labs.

Jim Sheffer: If we eliminate this option, the costs may be higher for manufacturers, who would pass the increase along to schools. This might lead schools to opt out.

Gary Miller: This vote is to approve the existence of a fourth avenue. There may be more definition to it later.

Mark Bishop: I do have a certain level of discomfort. There does have to have state support and certified labs. I would be more comfortable after asking Kurt this next week.

Gary Miller: We can come back to it to flesh out details.

Kate Tomford: What if we say, for the sake of voting, that we approve the existence of a fourth avenue assuming we have state agency resources to oversee the process and a list of labs qualified to conduct the testing?

Bill Balek: Putting this forward for vote, with those caveats, is there anyone opposed?

Steve Ashkin: I'd like to add an amendment – assuming not just a certified lab, but one that tests to the standards used for the other certification programs.

Bill Balek: Yes, no opposition heard with Steve's caveat.

Kate Tomford: Hearing no opposition, the subcommittee approves the use of a fourth avenue (independent testing and qualification) with those three caveats in place.

5. Question: To which product categories do certification requirements apply?

Bill Balek: With limited time left, we'll move on to the next issues. Let's refer to the documents distributed. We just laid out four avenues. GS is a subset of the product categories. EC treats a broader universe, as does DfE. We can say that we'll apply these standards to the universe of products addressed by all of them, or we can do what NY did and apply these standards only to GS's categories. This decision will have implications in terms of the population of "orphan products" – my term for products that don't fit into one of the covered categories, or products that fall into a category with very limited product selection. In the distributed document on EPP, I've laid out two approaches. One is that we reference the collective categories defined by these

certification organizations; the other is that we use the GS product categories only. Alternatively, we could take a look at these organizations' categories one by one. Should we go through them or open this up to discussion?

Steve Ashkin: I'll throw out a general comment: some people on the phone spend a great deal of time dealing with this, and others do not. The product categories defined by GS cover the vast majority of products by volume. I think we should look at the standards themselves, then consider them as a group.

Bill Balek: Let's look at GS-37 first – it's one of the most frequently cited. [Bill reviewed the write-up of GS-37 provided in the agenda document.] Should we discuss further or turn to a vote?

Steve Ashkin: My recommendation is not to make Illinois's guidelines look like GS is the first choice, followed by a second and third. This was an important consideration when we reviewed LEED-EB. We don't want to suggest that the state is endorsing one certification over another.

Bill Balek: In the EPP document, I proposed a two-tier approach. Let's focus on Approach 2. [Bill reviewed Approach 2 and the definitions of Tier I and Tier II provided in the supplementary document.] Essentially, Tier I includes products in specific categories covered by GS, with separate and specific consideration given to the categories of floor care products and disinfectants, and Tier II includes all other products based on criteria such as EPA's guidelines publishing for EPP.

Gary Miller: In looking it over, I like that approach. It doesn't look like we're endorsing anything. It might be a little easier to maintain. This approach is a little more general and robust than looking at collective product categories.

Jim Sheffer: I'm comfortable with it too.

Bill Balek: Are there any concerns or comments?

Chris Grissom: I think that's the way to go with it.

Mark Samios: I think it's an excellent method to use.

Gary Miller: It seems to me that we're talking about approving an approach – but perhaps we could add or reconsider the actual categories.

Bill Balek: This is a fairly fluid process. This is a rough cut. Are we comfortable with this? I would like to point out that I called out for special treatment the consideration of floor care products (which NY did) and disinfectants and sanitizers. With those caveats in mind, I'd like to see whether the group would consider voting on this.

Gary Miller: Some of the other committee's work depends on us getting our work done, so it's important for us to move quickly.

Steve Ashkin: I like the approach, but I want to make sure we have a chance to go back and revisit the categories. For example, we should consider whether we want to require certified hand cleaners. I understand that only one or two manufacturers are approved in that category.

Bill Balek: In Approach 1, the Tier I covers any product that is certified by at least one of the organizations. The only thing I'm concerned about is having insufficient coverage in certain categories. These are the categories where I refer to products as orphan products.

Jim Sheffer: Maybe what you can do is propose a paragraph to insert into the BMP section for non-covered products.

Bill Balek: One of my concerns is when states are silent on a certain category. It leads to the purchasers being confused about what is or is not covered.

Jim Sheffer: Worse yet, by omitting categories, you imply that those products are less important.

Bill Balek: For the sake of conclusion, are we ready to vote to approve Approach 2, with the caveat that we will revisit the included categories and further define the requirements concerning floor care products and disinfectants/sanitizers?

Steve Ashkin: I think we're ready, but I would like to hear Kate's opinion.

Kate Tomford: I think Approach 2 makes sense. My understanding of it is based mainly on my conversation yesterday with Bill and Gary. Approach 1 leaves open the question of which products are considered orphan products – the question of when a product category is so limited

as to exempt schools from purchasing in that category. Approach 2 seems less arbitrary because it clearly defines the categories that are required (i.e., Tier I categories – only those with sufficient coverage and selection), defining all other products as subject only to Tier II criteria. So yes, I think Approach 2 is the better framework.

Bill Balek: I'd like to put this forth as a formal motion – subject to refinement of the categories – that we approve the use of a framework based on Approach 2.

Kate Tomford: Does anyone oppose the approval of Approach 2 with the caveats we discussed? Hearing no opposition, the subcommittee approves the adoption of Approach 2, subject to those conditions discussed.

6. Concluding discussion

Gary Miller: We didn't get to item #5 on the agenda today – that's the decision about the criteria for non-certified (i.e., "Tier II") products.

Bill Balek: Yes, we'll have to table this until next time.

Jim Sheffer: Are we also tabling floor care products?

Bill Balek: Yes, we'll dive into the floor care and disinfectant questions next time – at a subcommittee meeting after next week's whole committee meeting.

Gary Miller: Kate will distribute the meeting minutes as soon as possible. Please read through them and make sure everything is correct. Let Kate know if you have corrections. We'll assume the subcommittee approves of the minutes unless we hear any opposition.

Bill Balek: Thanks to everyone for participating today – we made lots of progress. We'll have to come back to discuss these not-covered products.

Gary Miller: We'll have to find a time for our next conference call, sometime between November 7 and 27. We'll figure this out by email and let everyone know.

Vince Fagan: For the next conference call after the Nov. 7 meeting, since the issue of floor finishes will definitely come up, could we ask Kurt to join the call?

Bill Balek: Yes, and we can also engage him on this topic on the 7th. We will be putting forth our recommendation, so that will be an opportunity to raise this topic with Kurt.

Gary Miller: If anyone else has other creative suggestions like that, please submit them to me.