

SENATE BILL 766

M3

(7lr2692)

ENROLLED BILL

— *Education, Health, and Environmental Affairs / Environmental Matters* —

Introduced by **Senator Frosh**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____ M.

President.

CHAPTER _____

1 AN ACT concerning

2 **Environment – Phosphorus – Dishwashing Detergent**

3 FOR the purpose of prohibiting a person from using, selling, manufacturing, or
4 distributing for sale ~~a~~ certain dishwashing detergent that contains greater than
5 a certain amount of phosphorus after a certain date; requiring the Department
6 of the Environment to report to the Governor and General Assembly by a
7 certain date; repealing certain obsolete language; and generally relating to
8 phosphorus in dishwashing detergents.

9 BY repealing and reenacting, without amendments,
10 Article – Environment

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

Italics indicate opposite chamber / conference committee amendments.



1 Section 9–1502
2 Annotated Code of Maryland
3 (1996 Replacement Volume and 2006 Supplement)

4 BY repealing and reenacting, with amendments,
5 Article – Environment
6 Section 9–1503
7 Annotated Code of Maryland
8 (1996 Replacement Volume and 2006 Supplement)

9 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
10 MARYLAND, That the Laws of Maryland read as follows:

11 **Article – Environment**

12 9–1502.

13 This subtitle does not apply to a cleaning agent that is:

14 (1) A detergent used in dairy, beverage, or food processing cleaning
15 equipment;

16 (2) A phosphoric acid product, including a sanitizer, brightener, acid
17 cleaner, or metal conditioner;

18 (3) A detergent used in hospitals, veterinary hospitals or clinics, or
19 health care facilities or in agricultural production;

20 (4) A detergent used by industry for metal cleaning or conditioning;

21 (5) Manufactured, stored, or distributed for use or sale outside of the
22 State;

23 (6) Used in any laboratory, including a biological laboratory, research
24 facility, chemical laboratory, and engineering laboratory; or

25 (7) Used in a commercial laundry that provides laundry services for a
26 hospital, health care facility, or veterinary hospital.

27 9–1503.

1 (a) Except as provided in subsection (b) of this section, [after December 1,
2 1985,] a person may not use, sell, manufacture, or distribute for use or sale within the
3 State any cleaning agent that contains more than 0.0 percent phosphorus by weight
4 expressed as elemental phosphorus except for an amount not exceeding 0.5 percent
5 phosphorus that is incidental to manufacturing.

6 (b) [After December 1, 1985] **EXCEPT AS PROVIDED IN SUBSECTION (C)**
7 **OF THIS SECTION**, a person may use, sell, manufacture, or distribute for use or sale a
8 cleaning agent that contains greater than 0.0 percent phosphorus by weight, but does
9 not exceed 8.7 percent phosphorus by weight that is:

10 (1) A detergent used in a dishwashing machine, whether commercial
11 or household; or

12 (2) A substance the Secretary, by rule and regulation, excludes from
13 the 0.0 percent phosphorus limitation of subsection (a) of this section based on a
14 finding that compliance with this section would:

15 (i) Create a significant hardship on the user; or

16 (ii) Be unreasonable because of the lack of an adequate
17 substitute cleaning agent.

18 (C) **~~AFTER DECEMBER 1, 2008~~ ~~JULY 1, 2009~~ JANUARY 1, 2010, A**
19 **PERSON MAY NOT USE, SELL, MANUFACTURE, OR DISTRIBUTE FOR USE OR SALE**
20 **WITHIN THE STATE ANY DETERGENT ~~USED~~ FOR USE IN A HOUSEHOLD**
21 **DISHWASHING MACHINE, ~~WHETHER COMMERCIAL OR HOUSEHOLD~~, THAT**
22 **CONTAINS MORE THAN 0.5 PERCENT PHOSPHORUS BY WEIGHT.**

23 SECTION 2. AND BE IT FURTHER ENACTED, That, by December 1, 2008,
24 the Maryland Department of the Environment shall report to the Governor and,
25 subject to § 2-1246 of the State Government Article, the General Assembly on:

26 (1) the prospective availability of detergents containing 0.5 percent
27 phosphorus or less, by weight, for use in commercial dishwashing machines; and

28 (2) a recommended date by which the use of such detergents in
29 commercial dishwashing machines may be reasonably required.

30 SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take
31 effect October 1, 2007.