

SENATE BILL 766

M3

71r2692

By: **Senator Frosh**

Introduced and read first time: February 12, 2007

Assigned to: Rules

A BILL ENTITLED

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; repealing certain obsolete
6 language; and generally relating to phosphorus in dishwashing detergents.

7 BY repealing and reenacting, without amendments,
8 Article – Environment
9 Section 9–1502
10 Annotated Code of Maryland
11 (1996 Replacement Volume and 2006 Supplement)

12 BY repealing and reenacting, with amendments,
13 Article – Environment
14 Section 9–1503
15 Annotated Code of Maryland
16 (1996 Replacement Volume and 2006 Supplement)

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

19 **Article – Environment**

20 9–1502.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

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

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

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

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

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

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

15 9–1503.

16 (a) Except as provided in subsection (b) of this section, [after December 1,
17 1985,] a person may not use, sell, manufacture, or distribute for use or sale within the
18 State any cleaning agent that contains more than 0.0 percent phosphorus by weight
19 expressed as elemental phosphorus except for an amount not exceeding 0.5 percent
20 phosphorus that is incidental to manufacturing.

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

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

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

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

2 (ii) Be unreasonable because of the lack of an adequate
3 substitute cleaning agent.

4 (C) AFTER DECEMBER 1, 2008, A PERSON MAY NOT USE, SELL,
5 MANUFACTURE, OR DISTRIBUTE FOR USE OR SALE WITHIN THE STATE ANY
6 DETERGENT USED IN A DISHWASHING MACHINE, WHETHER COMMERCIAL OR
7 HOUSEHOLD, THAT CONTAINS MORE THAN 0.5 PERCENT PHOSPHORUS BY
8 WEIGHT.

9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
10 October 1, 2007.