

# SENATE BILL 766

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71r2692

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By: **Senator Frosh**

Introduced and read first time: February 12, 2007

Assigned to: Rules

Re-referred to: Education, Health, and Environmental Affairs, February 16, 2007

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 13, 2007

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## 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  
11 Section 9–1502  
12 Annotated Code of Maryland  
13 (1996 Replacement Volume and 2006 Supplement)

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**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.



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

3 **Article – Environment**

4 9–1502.

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

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

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

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

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

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

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

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

19 9–1503.

20 (a) Except as provided in subsection (b) of this section, [after December 1,  
21 1985,] a person may not use, sell, manufacture, or distribute for use or sale within the  
22 State any cleaning agent that contains more than 0.0 percent phosphorus by weight  
23 expressed as elemental phosphorus except for an amount not exceeding 0.5 percent  
24 phosphorus that is incidental to manufacturing.

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

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

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

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

7 (ii) Be unreasonable because of the lack of an adequate  
8 substitute cleaning agent.

9 (C) ~~AFTER DECEMBER 1, 2008~~ JULY 1, 2009, A PERSON MAY NOT USE,  
10 SELL, MANUFACTURE, OR DISTRIBUTE FOR USE OR SALE WITHIN THE STATE  
11 ANY DETERGENT ~~USED FOR USE IN A HOUSEHOLD~~ DISHWASHING MACHINE,  
12 ~~WHETHER COMMERCIAL OR HOUSEHOLD~~, THAT CONTAINS MORE THAN 0.5  
13 PERCENT PHOSPHORUS BY WEIGHT.

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

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

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

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

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.