

CHAPTER 187

(Senate Bill 766)

AN ACT concerning

Environment – Phosphorus – Dishwashing Detergent

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

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

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

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

Article – Environment

9–1502.

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

- (1) A detergent used in dairy, beverage, or food processing cleaning equipment;
- (2) A phosphoric acid product, including a sanitizer, brightener, acid cleaner, or metal conditioner;

- (3) A detergent used in hospitals, veterinary hospitals or clinics, or health care facilities or in agricultural production;
- (4) A detergent used by industry for metal cleaning or conditioning;
- (5) Manufactured, stored, or distributed for use or sale outside of the State;
- (6) Used in any laboratory, including a biological laboratory, research facility, chemical laboratory, and engineering laboratory; or
- (7) Used in a commercial laundry that provides laundry services for a hospital, health care facility, or veterinary hospital.

9-1503.

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

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

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

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

- (i) Create a significant hardship on the user; or
- (ii) Be unreasonable because of the lack of an adequate substitute cleaning agent.

(C) AFTER ~~DECEMBER 1, 2008~~ ~~JULY 1, 2009~~ JANUARY 1, 2010, A PERSON MAY NOT USE, SELL, MANUFACTURE, OR DISTRIBUTE FOR USE OR SALE

WITHIN THE STATE ANY DETERGENT ~~USED~~ FOR USE IN A HOUSEHOLD DISHWASHING MACHINE, ~~WHETHER COMMERCIAL OR HOUSEHOLD~~, THAT CONTAINS MORE THAN 0.5 PERCENT PHOSPHORUS BY WEIGHT.

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

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

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

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

Approved by the Governor, April 24, 2007.