

HOUSE BILL 1189

M3

8lr2158

By: **Delegates Niemann, Beidle, Boteler, V. Clagett, Frush, Holmes, Krysiak, Lafferty, Malone, Norman, O'Donnell, Sossi, Stein, Weir, and Wood**

Introduced and read first time: February 8, 2008

Assigned to: Environmental Matters

Committee Report: Favorable

House action: Adopted

Read second time: March 17, 2008

CHAPTER _____

1 AN ACT concerning

2 **Environment – Phosphorus – Dishwashing Detergent**

3 FOR the purpose of altering the date by which certain persons are prohibited from
4 using, selling, manufacturing, or distributing for sale certain dishwashing
5 detergent that contains greater than a certain amount of phosphorus; and
6 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 (2007 Replacement Volume and 2007 Supplement)

12 BY repealing and reenacting, with amendments,
13 Article – Environment
14 Section 9–1503
15 Annotated Code of Maryland
16 (2007 Replacement Volume and 2007 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.

Underlining indicates amendments to bill.

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



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, a person may not use,
17 sell, manufacture, or distribute for use or sale within the State any cleaning agent
18 that contains more than 0.0 percent phosphorus by weight expressed as elemental
19 phosphorus except for an amount not exceeding 0.5 percent phosphorus that is
20 incidental to manufacturing.

21 (b) Except as provided in subsection (c) of this section, a person may use, sell,
22 manufacture, or distribute for use or sale a cleaning agent that contains greater than
23 0.0 percent phosphorus by weight, but does not exceed 8.7 percent phosphorus by
24 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:

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

31 (ii) Be unreasonable because of the lack of an adequate
32 substitute cleaning agent.

1 (c) After [January 1, 2010] **JULY 1, 2010**, a person may not use, sell,
2 manufacture, or distribute for use or sale within the State any detergent for use in a
3 household dishwashing machine that contains more than 0.5 percent phosphorus by
4 weight.

5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
6 October 1, 2008.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.