

Department of Legislative Services
Maryland General Assembly
2009 Session

FISCAL AND POLICY NOTE

House Bill 1187 (Delegate Manno)
Environmental Matters

Environment - Dishwashing Detergent Containing Phosphorus - Penalties

This bill establishes a misdemeanor penalty and a fine of up to \$10,000 for a person who, after July 1, 2010, sells, distributes, or manufactures a household dishwashing detergent containing more than 0.5% phosphorus by weight.

Fiscal Summary

State Effect: Potential minimal increase in general fund revenues beginning in FY 2010 due to cases heard in the District Court.

Local Effect: Potential minimal increase in local government revenues beginning in FY 2010 due to cases heard in the circuit courts.

Small Business Effect: Potential minimal.

Analysis

Current Law: A person may not use, sell, manufacture, or distribute a cleaning agent that contains phosphorus, unless the cleaning agent contains an amount of phosphorus that is less than:

- 0.5% by weight and is incidental to manufacturing;
- 8.7% by weight and is a detergent used in a commercial or household dishwashing machine; or

- 8.7% by weight and is a substance excluded by the Secretary of the Environment because, without the exclusion, there would be a significant hardship on users or because of a lack of adequate cleaning agent substitutes.

Starting July 1, 2010, a person may not use, sell, manufacture, or distribute a household dishwashing detergent that contains more than 0.5% phosphorus by weight.

Any person who violates these provisions is guilty of a misdemeanor and is subject to a fine of up to \$100 for a violation based on the use of a cleaning agent, or \$1,000 for a violation based on the sale, manufacture, or distribution of a cleaning agent.

Background: The Chesapeake Bay, America's largest and most productive estuary, was identified as an impaired water body by the Environmental Protection Agency (EPA) in 1999. In 2000, the Chesapeake Bay partners (the bay states, the District of Columbia, the Chesapeake Bay Commission, and EPA) negotiated the Chesapeake 2000 Agreement (C2K), which specified restoration goals to improve the bay and remove it from the EPA's List of Impaired Waters. As part of C2K, specific pollution reduction goals have been allocated to the various bay states. Maryland's reduction goals are summarized in **Exhibit 1**.

Exhibit 1 Maryland's Pollutant Reduction Goals

<u>Pollutant</u>	<u>1985 Loads</u>	<u>2007 Loads</u>	<u>2010 Goal</u>
Nitrogen (million lbs/yr)	82.4	53.20	37.25
Phosphorus (million lbs/yr)	6.8	3.76	2.92
Sediment (million tons/yr)	1.3	0.97	0.71

Source: U.S. Environmental Protection Agency's Chesapeake Bay Program

Chapters 187 and 188 of 2007 established the prohibition on the sale, distribution, or manufacture of household dishwashing detergents containing more than 0.5% phosphorus by weight, effective January 1, 2010. However, in response to industry concerns about the availability of low-phosphorus alternatives, Chapter 442 of 2008 delayed the effective date of the prohibition until July 1, 2010.

State Revenues: MDE advises that it has no information on the number of enforcement actions or amount of penalty fees collected for a violation of the prohibition on the sale, distribution, or manufacture of household dishwashing detergents. However, MDE

advises that the number of enforcement actions and associated penalty fee revenue is minimal.

Additional Information

Prior Introductions: None.

Cross File: SB 1021 (Senator Harrington) - Rules.

Information Source(s): U.S. Environmental Protection Agency, Maryland Department of the Environment, Judiciary (Administrative Office of the Courts), Department of Legislative Services

Fiscal Note History: First Reader - March 4, 2009
mlm/ljm

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