

Chapter 447

(Senate Bill 320)

AN ACT concerning

Environment – Phosphorus – Commercial Dishwashing Detergent

FOR the purpose of prohibiting a person from using, selling, manufacturing, or distributing for use or sale certain commercial dishwashing detergents that contain greater than a certain amount of phosphorus after a certain date; repealing certain obsolete language; and generally relating to phosphorus in commercial dishwashing detergents.

BY repealing and reenacting, with amendments,
Article – Environment
Section 9–1503
Annotated Code of Maryland
(2007 Replacement Volume and 2010 Supplement)

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

Article – Environment

9–1503.

(a) Except as provided in subsection (b) of this section, 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) 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 **COMMERCIAL** 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) **(1)** ~~After [July 1, 2010] JANUARY 1, 2013, a~~ **A** person may not use, sell, manufacture, or distribute for use or sale within the State any detergent for use in a ~~[household] COMMERCIAL~~ dishwashing machine that contains more than 0.5 percent phosphorus by weight.

(2) AFTER JANUARY JULY 1, 2013, A PERSON MAY NOT USE, SELL, MANUFACTURE, OR DISTRIBUTE FOR USE OR SALE WITHIN THE STATE ANY DETERGENT FOR USE IN A COMMERCIAL DISHWASHING MACHINE THAT CONTAINS MORE THAN 0.5 PERCENT PHOSPHORUS BY WEIGHT.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2011.

Approved by the Governor, May 19, 2011.