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# ISSA STATE PHOSPHATE SURVEY

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## INTRODUCTION

ISSA – The Worldwide Cleaning Industry Association, is pleased to make available the "ISSA State Phosphate Survey," a state-by-state review of laws that restrict the phosphorus content of many cleaning agents and detergents. Approximately, half of the states in the U.S. have enacted phosphate restriction laws and it is crucial that companies that manufacture, use and sell cleaning agents and detergents understand precisely what the restrictions are and how the various state laws differ. This publication aims to provide some guidance in this area.

First, it is important to recognize that the state laws vary as to their definition of a cleaning agent or a detergent, although for the most part the restrictions apply to laundry and dishwashing detergents. It is clear, therefore, that many of the products sold in the sanitary supply industry will, on their face, be subject to these regulations.

Further, the state laws differ as to whether statutory exemptions are provided. Fortunately, most states provide for numerous exemptions, including exemptions for cleaning agents used in agricultural, dairy and food processing, industrial cleaners, cleaners used in health care facilities, commercial laundries, and laboratories. Therefore, many, if not most, of the products sold in our industry will be exempt and are not required to comply with the phosphate restrictions.

Companies must also be concerned with statutory provisions, contained within the phosphate laws, that specifically regulate the labeling of detergents and cleaning agents. Many, although not all, states require that the phosphorus content of products be listed on the product label. The state phosphate labeling requirements are included in this Survey.

Finally, it should be noted that many states allow companies, including, manufacturers and industrial users, to petition the state to have a product excluded from regulation. This exclusion will generally be given for a limited time period and only for those products where there is no reasonably available alternative or where complying with the regulation would create a significant hardship on the consumer.

For more information about a particular state's restrictions contact that state's Environmental Protection Agency or Natural Resources water quality division.

*\* This manual is designed to provide accurate and authoritative information of a general nature. It is not intended to convey legal advice suitable in all circumstances. Because liability may result from company conduct found to be unlawful, readers are encouraged to seek legal or other expert advice before applying general principles to specific situations.*

# ARKANSAS

## *8-4-217(a)(6) Arkansas Statutes*

1. Restrictions: It is unlawful for any person to sell, offer or expose for sale, give or furnish any synthetic detergent or detergent containing any phosphorus, expressed as elemental phosphorus, including synthetic detergents or detergents manufactured for use as laundry or dishwashing detergents except as provided below.
  - (a) Laundry detergent may contain 0.5% phosphorus or less, incidental to manufacturing.
  - (b) Dishwashing detergent may contain 8.7% phosphorus or less, by weight.
2. Exemptions: Exempt from these restrictions, regardless of phosphorous content, is a detergent:
  - (a) used in dairy, beverage, or food processing cleaning equipment;
  - (b) used in hospitals, veterinary hospitals, clinics, health care facilities, or in agricultural production;
  - (c) used by industry for metal cleaning or reconditioning;
  - (d) manufactured, stored or distributed for use or sale outside the state;
  - (e) used in any laboratory, including a biological laboratory, research facility, chemical laboratory, and engineering laboratory;
  - (f) used in commercial laundry that provides laundry service for a hospital, health care facility or veterinary hospital; or
  - (g) used for surface cleaning, appliance cleaning or specialty home cleaning, and not for dishwashing or laundry.
  - (h) a phosphoric acid product, including a sanitizer, brightener, acid cleaner or metal conditioner.

# CONNECTICUT

*Connecticut General Statutes 22a-461*

*Connecticut General Statutes 22a-462*

1. Restrictions: A detergent or synthetic detergent may contain no more than 7 grams of phosphorus by weight expressed as elemental phosphorous.
2. Exemptions: Exempt from this restriction are detergents or synthetic detergents used for medical, scientific or special engineering purposes or for use in machine dishwashers, dairy equipment, beverage equipment, food processing equipment and industrial cleaning equipment.
3. Labeling provisions: Containers, wrappers or other packaging must be clearly labeled with regard to phosphate builders or phosphorus ingredient content in terms of percentage of phosphorus by weight, expressed as elemental phosphorus per container, as well as grams of phosphorus, expressed as elemental phosphorus, per recommended use level.
4. Filing: A written statement setting forth the chemical and common names of all ingredients must be filed with the Connecticut commissioner of the Environmental Protection.
5. Definitions: "Detergent" or "synthetic detergent" means any cleaning compound which is available for household use, laundry use, other personal uses or industrial use, which is composed of organic and inorganic compounds, including soaps, water softeners, surface active agents, dispersing agents, organic solvents, oil emulsifying agents, soluble oil compounds, foaming agents, buffering agents, builders, fillers, dyes, enzymes and fabric softeners, whether in the form of crystals, powders, flakes, bars, liquids, sprays or any other form.

# **DISTRICT OF COLUMBIA**

*District of Columbia Code 6-971*

*District of Columbia Code 6-972*

1. Restrictions: No cleaning agent may contain a phosphorus compound in a concentration exceeding a trace quantity of phosphorous. In addition, no cleaning agent for use in dishwashers may contain elemental phosphorus exceeding 8.7% by weight.
2. Exemptions: Exempt from this restriction are cleaning agents used for cleaning health care equipment, for use by any commercial or institutional laundry in providing laundry services for a hospital or health care facility; and for cleaning food processing equipment, beverage and dairy products handling and processing equipment.
3. Labeling provisions: Packaging must state either of the following: (a) the percentage of the mass of the cleaning agent comprised of elemental phosphorus according to the chemical weight of the product as compared to the chemical weight of the cleaning agent itself; or (b) that the cleaning agent conforms to the requirements stated above.
4. Definitions:
  - (a) "Cleaning agent" means soaps and detergents used for domestic or commercial cleaning purposes, including the purposes of cleaning fabrics, dishes, eating and cooking utensils, homes or commercial premises, but the term does not include cosmetics and personal hygiene products like toothpaste, shampoo, and hand soap.
  - (b) "Trace quantity of phosphorus" means the portion of a cleaning agent, not more than 0.5% of the weight of the cleaning agent, that constitutes all of the phosphorus in the cleaning agent.

# **FLORIDA**

*62-603.100 Florida Administrative Code*

*62-603.300 Florida Administrative Code*

1. **Restrictions:** It is unlawful for any person, firm or corporation to sell, offer or expose for sale, give or furnish:
  - (1) any detergent, other than powdered household laundry detergents with recommended use levels of 1/4 cup (2 oz.) or less per load, containing more than eight and seven-tenths percent (8.7%) of phosphorus by weight, expressed as elemental phosphorus.
  - (2) any household laundry detergent which requires a recommended use level containing more than seven grams (7 gms.) of phosphorus by weight, expressed as elemental phosphorus.
  
2. **Exemptions:** The following detergents are exempt from these restrictions:
  - (1) any detergent used for personal body cleansing, disinfecting, sanitizing, or scientific purpose, except household laundry detergent; and
  - (b) any detergent manufactured for use in commercial laundry and machine dishwashing, in the processing and handling of dairy, beverage and food products and industrial cleaning or for other institutional or industrial applications.
  
3. **Definitions:**
  - (1) "Detergent" is any synthetic surface active product in any form used with water for laundry (including presoaking), household, institutional, industrial or other washing purposes.
  - (2) "Recommended Use Level" means the amount of detergent recommended by the manufacturer for use per wash load, at which level the detergent effectively will perform its intended function. Said recommendation for use per wash load level shall be that amount generally recommended for the product on the package without reference or regard to other language on the package which relates to geographical location or legal limitation imposed in a particular location.

# GEORGIA

## *Official Code of Georgia 12-5-27.1*

1. Restrictions: A cleaning agent intended for use in a commercial or household dishwashing machine may not have a phosphorus concentration exceeding 8.7% by weight. No other cleaning agent may have a phosphorus concentration exceeding 0.5% by weight which is not incidental to manufacturing.
2. Exemptions: Exempt from these restrictions are cleaning agents which are used:
  - (a) in agricultural or dairy production;
  - (b) to clean commercial food or beverage processing equipment or containers;
  - (c) as industrial sanitizers, metal brighteners, or acid cleaners, including those containing phosphoric acid or trisodium phosphate;
  - (d) in industrial processes for metal, fabric, or fiber cleaning and conditioning;
  - (e) in hospitals, clinics, nursing homes, other health care facilities, or veterinary hospitals or clinics;
  - (f) by a commercial laundry or textile rental service company or any other commercial entity:
    - (i) to provide laundry service to hospital, clinics, nursing homes, other health care facilities, or veterinary hospitals or clinics;
    - (ii) to clean textile products supplied to industrial or commercial users of the products on rental basis; or
    - (iii) to clean professional, industrial, or commercial work uniforms;
  - (g) in the manufacture of health care or veterinary supplies;
  - (h) in any medical, biological, chemical, engineering, or other such laboratory, including those associated with any academic or research facility;
  - (i) as water softeners, antiscaling agents, or corrosion inhibitors where such use is in a closed system such as a boiler, air conditioner, cooling tower, or hot water heating system; or
  - (j) to clean hard surfaces including windows, sinks, counters, floors, ovens, food preparation surfaces, and plumbing fixtures; or
  - (k) are manufactured, stored, sold, or distributed for uses other than household laundry detergents or household or commercial dishwashing agents.
3. Definitions: "Cleaning agent" means a laundry detergent, dishwashing compound, household cleaner, metal cleaner or polish, industrial cleaner, or other substance that is used or intended for use for cleaning purposes.



# ILLINOIS

## *Illinois Compiled Statutes 415 ILCS 92/5*

1. Restrictions: Effective July 1, 2010, no person may use, sell, manufacture, or distribute for sale any cleaning agent containing more than 0.5% phosphorus by weight, expressed as elemental phosphorus, in Illinois, except as otherwise provided below.
2. Exemptions: The restriction on phosphorus content does not apply to cleaning agents that are used:
  - (a) In agricultural, biofuel, or dairy production including bottling equipment;
  - (b) To clean commercial food, brewery or beverage processing equipment and containers, and in commercial automatic dishwashing machines, flatware presoak products, or commercial dishwashing rinse additive products;
  - (c) In hospitals, clinics, nursing homes, other health care facilities, or veterinary hospitals or clinics, or for use as commercial bathroom cleaners;
  - (d) In any medical, biological, chemical, engineering, or other such laboratory, including those associated with any academic research institution;
  - (e) In commercial laundries that provide cleaning services for a hospital, health care facility, or veterinary hospital;
  - (f) As water softeners, anti-scale agents, or corrosion inhibitors, if that use is in a closed system such as a boiler, air conditioner, cooling tower, or hot water heater; or
  - (g) As industrial or institutional sanitizers, metal brighteners, or metal cleaning or metal conditioning, including products containing phosphoric acid or trisodium phosphate.

In addition, the Illinois restrictions on phosphorus content does not apply to cleaning agents that are manufactured, stored, sold, or distributed for use solely outside the State, or that are regulated by federal law including the Food, Drug and Cosmetic Act and the Federal Insecticide, Fungicide, and Rodenticide Act.

Moreover, the Illinois Pollution Control Board may authorize the use of additional cleaning agents that contain phosphorus of an amount exceeding 0.5% by weight upon finding that there is no adequate substitute for that cleaning agent or that compliance with this Section would otherwise be unreasonable or create a significant hardship on the user.

3. Definitions: The term “cleaning agent” is defined as a laundry detergent, dishwashing compound, cleanser, household cleaner, metal cleaner or polish, degreasing compound, commercial cleaner, industrial cleaner, or other substance that is used or intended to be used for cleaning purposes.

# **INDIANA**

*Indiana Code 13-18-9-1 et al.*

1. **Restrictions**: A detergent may not contain phosphorus, except for those amounts not exceeding 0.5% by weight incidental to manufacturing. Such restriction applies to detergents used in household machine dishwashers as of July 1, 2010.
2. **Exemptions**: Exempt from this restriction are:
  - (a) detergents for cleaning food processing and dairy equipment;
  - (b) phosphoric acid products including sanitizers, brighteners, acid cleaners, and metal conditioners;
  - (c) detergents for use in commercial machine dishwashers;
  - (d) detergents for use in hospitals and health care facilities;
  - (e) institutional laundry detergents, detergents for use in dairy, beverage, food processing, and other industrial cleaning equipment;
  - (f) detergents or cleaning compounds contained in fuel or lubrication oil;
  - (g) and any other use of detergents in which the phosphorus contents are not permitted to enter any public or private sewer or to be disposed of in the natural environment.

# MAINE

## *38 Maine Revised Statutes 419*

1. Restrictions: A household laundry detergent may not contain more than 0.5% phosphorus by weight expressed as elemental phosphorus. All other detergents may not contain more than 8.7% phosphorus, by weight, other than those detergents that have a recommended use level which contains less than 7 grams of phosphorus by weight.
2. Exemptions: This restriction does not apply to high phosphorus detergent sold and used for the purpose of cleaning dairy equipment, food processing equipment and industrial equipment.
3. Definitions:
  - (a) "High phosphorus detergent" means any detergent, presoak, soap, enzyme or other cleaning agent containing more than 8.7% phosphorus, by weight, but does not include detergent having a recommended use level which contains less than 7 grams of phosphorus by weight.
  - (b) "Household laundry detergent" means a cleaning agent used primarily in private residences for washing clothes.

# **MARYLAND**

*Maryland Environment Code 9-1501 et al.*

1. **Restrictions:** A person may not use, sell, manufacture, or distribute for use or sale any cleaning agent that contains more than 0.0% phosphorus by weight expressed as elemental phosphorus except for an amount not exceeding 0.5% phosphorus that is incidental to manufacturing.

Effective July 1, 2010, a person may not use, sell, manufacture, or distribute for use or sale within the State any detergent for use in a household dishwashing machine that contains more than 0.5% phosphorus by weight.

After July 1, 2013, the state will prohibit the use, sale, manufacture, or distribution within Maryland of any detergent for use in a commercial dishwashing machine that contains more than 0.5% phosphorus by weight.

A person may use, sell, manufacture, or distribute for use or sale a cleaning agent that contains greater than 0.0% phosphorus by weight, but not more than 8.7% phosphorus by weight that is: a substance that Maryland, by rule or regulation, excludes from the 0.0% phosphorus limitation based on a finding that compliance with this law would: 1) create a hardship on the user; or 2) be unreasonable because of the lack of an adequate substitute cleaning agent.

2. **Exemptions:** Exempt from these restrictions is a cleaning agent that is:
  - (a) A detergent used in dairy, beverage or food processing cleaning equipment;
  - (b) A phosphoric acid product, including a sanitizer, brightener, acid cleaner, or metal conditioner;
  - (c) A detergent used in hospitals, veterinary hospitals or clinics, health care facilities, or in agricultural production;
  - (d) A detergent used by industry for metal cleaning or conditioning;
  - (e) Manufactured, stored or distributed for use or sale outside Maryland;
  - (f) Used in any laboratory, including a biological laboratory, research facility, chemical laboratory and/or engineering laboratory;
  - (f) Used in a commercial laundry that provides laundry services for a hospital, health care facility, or veterinary hospital;
3. **Definitions:** "Cleaning agent" means a laundry detergent, dishwashing compound, household cleaner, metal cleaner, degreasing compound, commercial cleaner, industrial cleaner, phosphate compound or other substance that is used or intended to be used for cleaning purposes.

# **MASSACHUSETTS**

## *Massachusetts Laws ch.111@5R*

1. **Restrictions:** No household cleansing product which contains a phosphorus compound in a concentration in excess of a “trace quantity” (see definition below), except those used in a commercial dishwashing process, commercial laundries, for cleansing medical and surgical equipment, food and beverage processing equipment, and dairy equipment, shall be distributed, sold, offered or exposed for sale at retail, wholesale, or used in a commercial establishment.

No household cleansing product which contains phosphorus in concentrations in excess of 8.7% by weight, used in commercial dishwashing machines, commercial laundries, for cleansing medical and surgical equipment and food and beverage processing equipment shall be distributed, sold, offered or exposed for sale at retail, wholesale, or used in a commercial establishment.

2. **Exemptions:** The Massachusetts phosphorus restrictions do not apply to the following:
  - (a) Household cleansing products used in agricultural production and for cleansing equipment used in processing of agricultural products including dairy products; or
  - (b) Household cleansing products which contain trisodium phosphate for clean-up following lead paint removal or for the cleaning of lead dust;

In addition, the manufacturer of a cleansing product used primarily in industrial manufacturing, production and assembling processes or any user of the product may apply to the Commissioner of the Department of Public Health to have the product excluded from regulation. Such application shall contain sufficient evidence to show that the cleansing product is used primarily in industrial manufacturing, production and assembling processes and that there is no reasonably available alternative to the user. Such exclusion, if granted, shall extend only to the use of the product in industrial manufacturing product and assembling processes. Such exclusion, if granted, shall be for a specified time and may be extended by the Commissioner upon further application by the manufacturer or user.

3. **Definitions:**
  - (a) "Household cleansing product" means any product, soap or detergent used for domestic or commercial cleaning purposes, including, but not limited to, the cleansing of fabric, dishes, food utensils and household and commercial premises. "Household cleansing product" does not include (i) food, drugs and cosmetics, including personal care items such as toothpaste, shampoo and hand soap; (ii) products regulated under FIFRA; (iii) liquid products labeled, advertised, marketed and distributed for use primarily as environmental surface cleaners in commercial establishments and which have elemental phosphorus content that does not exceed 0.5% of the product by weight, and more than 0.1 percent in the use dilution.

## **MASSACHUSETTS, contd.**

- (b) "Commercial Establishment" means any premises used for the purpose of carrying on or exercising any trade, business, profession, vocation, or commercial or charitable activity including, but not limited to, laundries, hospitals, including veterinary facilities, biological research facilities, and food or restaurant establishments.
- (c) "Trace quantity" means an incidental amount of phosphorus which is not part of the household cleansing product formulation, is present only as a consequence of manufacturing and does not exceed 0.5% of the content of the product by weight, expressed as elemental phosphorus.

# MICHIGAN

*Michigan Compiled Laws 324.3901 et al.*

## 1. Restrictions:

- (a) A person shall not sell, offer for sale, or distribute for sale or use in Michigan a cleaning agent that contains phosphorus in any form in excess of 8.7% by weight expressed as elemental phosphorus.
- (b) A person shall not sell, offer for sale, or distribute for sale or use in Michigan a cleaning agent that is intended for use in household clothes washing machines or, beginning July 1, 2010, in household dishwashers and that contains phosphorus in any form in excess of 0.5% by weight expressed as elemental phosphorus.
- (c) A person shall not sell or distribute for use in this state a cleaner, rinsing aid, or sanitizing agent intended primarily for use in commercial automatic or commercial machine dishwashers that contains phosphorus in excess of 14% by weight expressed as elemental phosphorus.
- (d) A person shall not sell or distribute for use in this state a cleaner, rinsing aid, or sanitizing agent intended primarily for use in dairy agricultural and farm operations and in the manufacture, preparation, and processing of foods and food products including those used in dairy, beverage, egg, fish, brewery, poultry, meat, fruit, and vegetable processing that contains phosphorus in excess of 14% by weight expressed as elemental phosphorus.
- (e) A person shall not sell or distribute for use in this state a metal cleaner, metal brightener, metal treatment compound, conversion coating agent, corrosion remover, paint remover, rust inhibitor, etchant, phosphatizer, degreasing compound, industrial cleaner, or commercial cleaner intended primarily for use in industrial and manufacturing processes that contains phosphorus in excess of 28% by weight expressed as elemental phosphorus.

## 2. Definitions:

- (a) "Cleaning agent" means a laundry detergent, dishwashing compound, household cleaner, metal cleaner, degreasing compound, commercial cleaner, industrial cleaner, phosphate compound, or other substance intended to be used for cleaning purposes. Cleaning agent does not include any of the following:
  - (i) A cleaner, rinsing aid, or sanitizing agent intended primarily for use in commercial machine dishwashers with not more than 14% phosphorus.
  - (ii) A cleaner for food processing with not more than 14% phosphorus.
  - (iii) A cleaner for industrial uses with not more than 28% phosphorus.

# MINNESOTA

*Minnesota Statutes 116.27 et al.*  
*' 7100.0210 Pollution Control Agency Regulations*

## 1. Restrictions:

- (a) No person shall sell, distribute, offer, or expose for sale at retail any household dishwasher detergent that contains more than 0.5% phosphorus by weight. This prohibition does not apply to the sale or distribution of detergents for commercial or institutional dishwashing purposes.
- (b) The maximum permissible concentration of phosphorus for laundry detergents and built soaps for machine laundry, excluding chemical water conditioners, is not to exceed 0.5% phosphorus by weight.
- (c) The maximum permissible concentration of phosphorus for commercial detergents for machine dishwashing is not to exceed 11% phosphorus by weight.
- (d) The maximum permissible concentration of phosphorus for all other household cleaning agents intended to be used in the home is not to exceed 0.5% phosphorus by weight.
- (e) The maximum permissible concentration of phosphorus for chemical water conditioners for machine laundry use is not to exceed 20% phosphorus by weight.

2. Notification: No household laundry or dishwashing compound, including household detergents and presoaks, shall be sold or displayed for sale unless the product name is on a list prominently displayed near the product display stating the phosphorus content by percentage of weight to weight of the package contents. These products shall be listed in descending order and in letters and figures not less than 2 inch high and proportionately wide. No list shall be required if the pollution control agency adopts and has in effect standards for maximum allowable phosphorus content of household laundry and dishwashing compounds.

3. Filing provisions: No manufacturer, wholesaler or retailer shall possess, with intent to sell, a household laundry or dishwashing compound, including detergents and presoaks, unless a verified or certified test result is filed with the Pollution Control Agency. The filed result must state the percentage content of phosphorus by weight contained in the product.

## 4. Definitions:

- (a) "Chemical water conditioner" means a water softening chemical, antiscald chemical, corrosion inhibitor or other substance intended to be use to treat water.
- (b) "Cleaning agent" means a laundry detergent, dishwashing compound, household cleaner, metal cleaner, degreasing compound, commercial cleaner, industrial cleaner, phosphate compound or other substance intended to be used for cleaning purposes.



# MONTANA

## *Montana Code 75-7-402*

**Please note:** Montana has adopted a model rule designed to enable counties to uniformly regulate phosphate content in detergents. The model rule only has the force of law if it is adopted as a regulation by a county government in Montana.

1. Restrictions: No household cleaning product may contain phosphorus in a concentration in excess of a trace quantity, except as noted below.
  - (a) Commercial dishwashing detergents may not contain phosphorus in excess of 8.7% by weight expressed as elemental phosphorus.
  - (b) Chemical water conditioners may not contain more than 20% phosphorus by weight.
2. Exemptions: Exempt from these restrictions are cleaning agents and other products used in food or beverage processing, or used by health care services and facilities; and those used by commercial establishments; and those used for industrial processes or for cleaning food and beverage processing equipment, medical or surgical equipment or dairy equipment; and those used for agricultural operations.
3. Definitions:
  - (a) "Chemical water conditioner" means a water softening chemical or other substance containing phosphorus which is intended to treat water for use in machines for washing laundry.
  - (b) "Household cleaning product" means any product including but not limited to soaps and detergent, used for domestic or commercial cleaning purposes, including but not limited to the cleaning of fabrics, dishes, food utensils, and household and commercial premises. "Household cleaning product" does not mean foods, drugs, cosmetics, or personal care items such as toothpastes, shampoo or hand soap.
  - (c) "Trace quantity" means an incidental amount of phosphorus which is not part of the household cleaning product formulation, and is present only as a consequence of manufacturing, and does not exceed 0.5% of the content of the product by weight expressed a elemental phosphorus.

## **NEW HAMPSHIRE**

*Revised Statutes 485-A:55*

*Revised Statutes 485-A:56*

1. Restrictions: No household cleansing products except those for lead exposure hazard control purposes shall be distributed, sold or offered for sale in this state, which contain a phosphorus compound in concentrations in excess of a trace quantity.
2. Definitions:
  - (a) "Household cleansing product" means any product, including but not limited to, soaps and detergents used for domestic cleaning purposes, including but not limited to, the cleansing of fabric, dishes, food utensils and household premises.
  - (b) "Phosphorus" means elemental phosphorus.
  - (c) "Trace quantity" means an incidental amount of phosphorus which is not part of the household cleansing product formulation, is present either as a consequence of manufacturing, to assure product performance for purposes other than cleansing, or to assure container stability, and does not exceed 0.5% of the content of the product by weight, expressed as elemental phosphorus.

## **NEW YORK**

### *New York Environmental Conservation Law 35.100 et al.*

1. Restrictions: No household cleansing product may contain a phosphorus compound in a concentration in excess of a trace quantity measured as elemental phosphorus, except as noted below.
  - (a) No household cleansing product used in food and beverage processing equipment and dairy equipment may contain a phosphorus compound in a concentration in excess of 8.7% by weight measured as elemental phosphorus.
  - (b) No household cleansing product may contain nitrilotriacetic acid (NTA) in excess of a trace quantity.
2. Dishwasher Detergent: Effective August 14, 2010, New York State prohibits the sale of household dishwasher detergent with phosphorus in excess of 0.5% phosphorus.

Effective July 1, 2013, New York State law prohibits the sale of commercial dishwasher detergents that contain more than 0.5% phosphorus.

### 3. Labeling provisions:

- (a) A household cleansing product wrapper or container shall be plainly labeled as provided below:
  - (1) The wrapper or container of a household cleansing product which contains no phosphorus or trace quantity of phosphorus shall bear a label stating any of the following: "Phosphate free", "No phosphate", "Phosphorus - trace amount" or "Phosphorus - less than 0.5% by weight".
  - (2) A household cleansing agent which contains more than trace quantities of phosphorus shall bear a label which lists the percentage of elemental phosphorus contained therein by weight to the nearest one-tenth of one percent and the grams of elemental phosphorus to the nearest one-tenth of one gram per portion at the recommended use level. This statement must be in clear and in non-technical language.
- (b) This label shall be located in its entirety, on a single front, side or rear panel of the container; shall be in type size and so positioned as to render it easily read and understood by the consumer; shall be in lines generally parallel to the base on which the container is designed to be displayed; and shall appear on a clear contrasting background without being obscured by crowding, design or vignettes.
- (c) Multiple Units: Where a household cleansing product is offered for sale in a wrapper or container which contains two or more units of the product, such wrapper or container, as

## **NEW YORK, contd.**

well as each individual unit, shall be labeled, unless such wrapper or container is transparent and the required label is visible.

- (d) Bulk Shipments: These labeling requirements shall not apply to a shipping container which contains individual packages of a household cleansing product which are properly labeled.

### 4. Definitions:

- (a) "Household cleansing product" means any product, including but not limited to, soaps and detergents containing a surfactant as a wetting or dirt emulsifying agent and used primarily for domestic or commercial cleaning purposes, including but not limited to the cleansing of fabrics, dishes, food utensils and household and commercial premises. "Household cleansing product" does not mean food, drugs and cosmetics, including personal care items such as toothpaste, shampoo and hand soap or products labeled, advertised, marketed and distributed for use primarily as pesticides.

- (b) "Trace quantity" means either:

- (i) for elements or compounds other than NTA:

- (A) an incidental amount which is not part of the household cleansing product formulation, is present only as an unintentional consequence of manufacturing and does not exceed 0.5% of the content of the product by weight; or
    - (B) an incidental amount which is part of the household cleansing product formulation, and does not exceed 0.1% of the contents of the product by weight.

- (ii) for NTA:

- (A) an incidental amount which is not part of the household cleansing product formulation, is present only as an unintentional consequence of manufacturing and does not exceed 0.1% of the contents of the product by weight; or
    - (B) an incidental amount which is part of the household cleansing product formulation, and does not exceed 0.1% of the contents of the product by weight.

# NORTH CAROLINA

## *North Carolina General Statutes 143-214.4*

### 1. Restrictions: A cleaning agent may not:

- (a) contain phosphorus in an amount exceeding 0.5% by weight which is incidental to manufacturing; or
- (b) contain phosphorus in an amount exceeding 8.7% by weight and which is intended for use in a commercial or household dishwashing machine.

### 2. Exemptions: Exempt from these restrictions are cleaning agents which are used in:

- (a) agricultural or dairy production;
- (b) to clean commercial food or beverage processing equipment or containers;
- (c) as industrial sanitizers, metal brighteners, or acid cleaners, including those containing phosphoric acid or trisodium phosphate;
- (d) in industrial processes for metal, fabric or fiber cleaning and conditioning;
- (e) in hospitals, clinics, nursing homes, other health care facilities, or veterinary hospitals or clinics;
- (f) by a commercial laundry or textile rental service company or any other commercial entity: (i) to provide laundry service to hospitals, clinics, nursing homes, other health care facilities, or veterinary hospitals or clinics; (ii) to clean textile products supplied to industrial or commercial users of the products on a rental basis; or (iii) to clean professional, industrial or commercial work uniforms;
- (g) in the manufacture of health care or veterinary supplies;
- (h) in any medical, biological, chemical, engineering or other such laboratory, including those associated with any academic or research facility;
- (i) as water softeners, antiscaling agents, or corrosion inhibitors, where such use is in a closed system such as a boiler, air conditioner, cooling tower, or hot water heating system;
- (j) to clean hard surfaces including windows, sinks, counters, floors, ovens, food preparation surfaces and plumbing fixtures.

These restrictions do not apply to cleaning agents which are manufactured, sold, stored or distributed for use solely outside of North Carolina.

### 3. Definitions:

"Cleaning agent" means a laundry detergent, dishwashing compound, household cleaner, metal cleaner or polish, industrial cleaner, or other substance that is used or intended for use for cleaning purposes.

# OHIO

## *Ohio Revised Code 6111.10*

1. Restrictions: No person may sell, offer for sale, or distribute for sale in the counties of Ashtabula, Trumbull, Lake, Geauga, Portage, Stark, Cuyahoga, Summit, Medina, Lorain, Ashland, Richland, Huron, Erie, Crawford, Marion, Wyandot, Seneca, Sandusky, Ottawa, Lucas, Wood, Hancock, Hardin, Fulton, Henry, Putnam, Allen, Auglaize, Shelby, Mercer, Van Wert, Pauling, Defiance, and Williams, a household laundry detergent containing phosphorus in any form in excess of 0.5% by weight expressed as elemental phosphorus.
2. Exemptions: Exempt from this restriction include:
  - (a) cleansers, rinsing aids, sanitizing agents, and detergents intended primarily for use in an automatic or machine dishwasher;
  - (b) industrial or commercial conversion coating agents, corrosion removers, paint removers, rust inhibitors, metal brighteners, etchants, or other surface conditioners;
  - (c) solvent cleaners or other similar products not normally used with water;
  - (d) disinfectants, detergents, or sanitizers used in institutions, hospitals, veterinary hospitals or clinics, nursing homes or other health care facilities or by commercial laundries that provide laundry services for those institutions and facilities or for other commercial establishments;
  - (e) compounds or products used in the manufacture or processing of foods or food products, including those used in dairy, beverage, egg, fish, poultry, meat, fruit, or vegetable processing facilities;
  - (f) products intended primarily for personal use, including but not limited to bathing soaps, dentifrices, shampoos, cleansing creams, toothpastes, or other products for the care of the human body;
  - (g) products subject to registration or control under federal or state law governing foods, drugs, cosmetics, insecticide, fungicides, or rodenticide;
  - (h) products not normally used with water, such as a cleanser for windows, ovens, or other hard surfaces;
  - (i) water softening chemicals, anti-scale chemicals, or corrosion inhibitors intended for use in circulatory systems such as boilers, air conditioners, cooling towers, or hot water heating systems;
  - (j) products used as cleansers in the washing of milking or milk storage equipment normally used in the production of milk for market;
  - (k) compounds or products used for cleaning in transportation, commercial, or industrial activities.

## **OHIO, contd.**

### *Ohio Revised Code 6111.10*

1. **Restrictions:** On or after July 1, 2010, no person shall sell, offer for sale, or distribute a cleanser, rinsing aid, sanitizing agent, or detergent that is intended primarily for use in an automatic or machine dishwasher and that contains phosphorus in any form in excess of one-half per cent by weight expressed as elemental phosphorus.
2. **Exemptions:** Exemptions from this section include:
  - (a) cleansers, rinsing agents, sanitizing agents or detergents that are used in an automatic or machine dishwasher in a commercial or institutional facility.
  - (b) retail sales or offers for sale from a retailer's inventory of a product that is otherwise covered by this section and that remains at the end of the business day on June 30, 2010, if the retailer's inventory of the product during June 2010 does not exceed the retailer's average monthly inventory during the previous twelve months.

# OREGON

*Oregon Revised Statutes 468B.120*

*Oregon Revised Statutes 468B.130*

*Oregon Revised Statutes 468B.135*

1. Restrictions: No cleaning agent may contain more than 0.5% phosphorus by weight. However, a cleaning agent used in automatic commercial dishwashers may contain 8.7% or less phosphorus by weight.
2. Exemptions: Exempt from these restrictions are cleaning agents:
  - (a) used in dairy, beverage or food processing equipment;
  - (b) used as an industrial sanitizer, brightener, acid cleaner or metal conditioner, including phosphoric acid products or trisodium phosphate;
  - (c) used in hospitals, veterinary hospitals or clinics or health care facilities;
  - (d) used in agricultural production and the production of electronic components;
  - (e) used in a commercial laundry for laundry services provided to a hospital, veterinary hospital or clinic or health care facility;
  - (f) used by industry for metal cleaning or conditioning;
  - (g) manufactured, stored, or distributed for use or sale outside Oregon;
  - (h) used in any laboratory, including a biological laboratory, research facility, chemical, electronic or engineering laboratory;
  - (i) used for cleaning hard surfaces, including household cleansers for windows, sinks, counter, stoves, tubs or other food preparation surfaces and plumbing fixtures;
  - (j) used as a water softening chemical, antiscaling chemical or corrosion inhibitor intended for use in closed systems, including but not limited to boilers, air conditioners, cooling towers or hot water systems.
3. Labeling provisions: All cleaning agents sold in Oregon shall be labeled with the percent of phosphorus by weight, including equivalency in grams of phosphorus per recommended use level.
4. Definitions: "Cleaning agent" means any product, including but not limited to soaps and detergents, containing a surfactant as a wetting or dirt emulsifying agent and used primarily for domestic or commercial cleaning purposes, including but not limited to the cleansing of fabrics, dishes, food utensils and household commercial premises. "Cleaning agent" does not include foods, drugs, cosmetics, insecticides, fungicides and rodenticides or exempted cleaning agents as noted above.



# PENNSYLVANIA

*35 Pennsylvania Statutes 722.2 et al.*

1. Restrictions: No cleaning agent may contain phosphorus, except for an amount not to exceed 0.5% incidental to manufacturing. However, a cleaning agent that is a detergent used in a commercial or institutional dishwashing machine may not exceed 8.7% phosphorus by weight.
2. Exemptions: Exempt from these restrictions are cleaning agents:
  - (a) used in dairy, beverage or food processing equipment;
  - (b) products used as an industrial sanitizer, brightener, acid cleaner or metal conditioner, including phosphoric acid products or trisodium phosphate;
  - (c) used in hospitals, veterinary hospitals or clinics, or health care facilities;
  - (d) used in agricultural production;
  - (e) used in a commercial laundry that provides laundry services for a hospital or health care facility or for a veterinary hospital or clinic;
  - (f) used by industry for metal cleaning or conditioning;
  - (g) manufactured, stored or distributed for use or sale outside of Pennsylvania;
  - (h) used in any laboratory including a biological laboratory, research facility, chemical laboratory or engineering laboratory;
  - (i) used for cleaning hard surfaces, including household cleansers for windows, sinks, counters, stoves, tubs or other food preparation surfaces and plumbing fixtures;
  - (j) used as a water softening chemical, antiscaling chemical or corrosion inhibitor intended for use in closed systems, such as boilers, air conditioners, cooling towers or hot water systems.

# **RHODE ISLAND**

## *Rhode Island General Laws 46-29-3*

1. **Restrictions:** No person may manufacture, store, sell, use or distribute for sale or use any cleaning agent containing phosphorous in Rhode Island except as provided below:
  - (a) contain phosphorus in any amount not exceeding 0.5% by weight;
  - (b) contain phosphorus in an amount not exceeding 8.7% by weight and which are intended for use in a commercial or household dishwashing machine;
  - (c) are manufactured, stored, sold or distributed for use solely outside Rhode Island.
  
2. **Exemptions:** Exempt from these restrictions are cleaning agents with are used:
  - (a) in agricultural or dairy production;
  - (b) to clean commercial food or beverage processing equipment or containers;
  - (c) as industrial or institutional sanitizers, metal brighteners, or acid cleaners, including those containing phosphoric acid or trisodium phosphate;
  - (d) in industrial processes for metal, fabric or fiber cleaning and conditions;
  - (e) in hospitals, clinics, nursing homes, other health care facilities, or veterinary hospitals or clinics;
  - (f) by a commercial laundry or textile rental service company or any other commercial entity;
    - (i) to provide laundry service to hospitals, clinics, or nursing homes, other health care facilities, or veterinary hospitals or clinics; or
    - (ii) to clean textile products supplied to industrial or commercial users of the products on a rental basis; or
    - (iii) to clean professional, industrial or commercial work uniforms;
  - (g) in the manufacture of health care or veterinary supplies;
  - (h) in any medical, biological, chemical, engineering or other such laboratory, including those associated with any academic or research facility;
  - (i) as water softeners, antiscaling agents, or corrosion inhibitors, where such use is in a closed system such as a boiler, air conditioner, cooling tower, or hot water heating system;
  - (j) to clean hard surfaces including windows, sinks, counters, floors, ovens, food preparation surfaces, and plumbing fixtures.
  
3. **Definitions:** "Cleaning agent" means a laundry detergent, dishwashing compound, household cleaner, metal cleaner or polish, industrial cleaner, or other substance that is sue or intended for use for cleaning purposes.

## **SOUTH CAROLINA**

*South Carolina Code 44-53-50*

1. **Restrictions:** A person may not use, sell, manufacture, or distribute for use or sale in South Carolina a “cleaning agent” that contains more than 0.5% phosphorus by weight. No other cleaning agent may contain more than 0.5% phosphorus by weight, expressed as elemental phosphorus, which is incidental to manufacturing.

NOTE: South Carolina phosphate restrictions were amended by H. 3470 in Feb. 2012 to extend the 0.5% phosphorus limitation to household and commercial dishwashing detergents. The provisions of this act relating to household dishwashing detergent take effect July 1, 2012. The provisions of this act relating to commercial dishwashing and laundry detergent and industrial cleaners take effect on July 1, 2013.

2. **Exemptions:** These restrictions do not apply to a cleaning agent that is:
  - (a) used in dairy, beverage or food processing equipment;
  - (b) used in hospitals, veterinary hospitals, clinics or health care facilities or in agricultural or dairy production or in the manufacture of health care supplies;
  - (c) used by industry for metal, fabric or fiber cleaning or conditioning;
  - (d) manufactured, stored or distributed for use outside South Carolina;
  - (e) used in a laboratory, including a biological lab, research facility, chemical lab or engineering lab;
  - (f) used as a water softening chemical, antiscaling chemical or corrosion inhibitor intended for use in closed systems such as boilers, air conditioners, cooling towers or hot water heating systems.
3. **Definitions:** "Cleaning agent" means a household or commercial laundry detergent, dishwashing compound, household cleaner, household or commercial dishwashing detergent, metal cleaner, industrial cleaner, phosphate compound, or other substance intended to be used for cleaning purposes.

## UTAH

### *19-5-124 Utah Code Annotated 1953*

1. **Restrictions** : A person may not sell a household dishwashing detergent that contains 0.5% or more phosphorus by weight on or after July 1, 2010.
2. **Exemptions**: This restriction does not apply to a dishwashing detergent designed and used for a commercial or industrial purpose.
3. **Definitions**: "Household dishwashing detergent" means a substance used (a) to clean an item commonly used for preparing food, eating, or drinking; and (b) by an individual for a personal, family or household purpose.

# VERMONT

*10 Vermont Statutes 1381 et al.*

1. Restrictions: No household cleansing product used in dishwashers, for cleansing medical and surgical equipment and food and beverage processing equipment may contain a phosphorus compound in concentrations in excess of 8.7% by weight expressed as elemental phosphorus. No other household cleansing product may contain a phosphorus compound in concentrations in excess of a trace quantity.
2. Exemptions: These restrictions do not apply to household cleansing agents used in agricultural production and for cleansing equipment used in processing of agricultural products.
3. Definitions:
  - (a) "Household cleansing product" means any product, including, but not limited to soaps and detergents used for domestic or commercial cleaning purposes, including but not limited to, the cleansing of fabric, dishes, food utensils and household and commercial premises. "Household cleansing product" does not mean food, drugs and cosmetics, including personal care items such as toothpaste, shampoo and hand soap or products labeled, advertised, marketed and distributed for use primarily as economic poisons.
  - (b) "Trace quantity" means an incidental amount of phosphorus which is not part of the household cleansing product formulation, is present only as a consequence of manufacturing and does not exceed 0.5% of the content of the product by weight, expressed as elemental phosphorus.

# VIRGINIA

*Virginia Code 62.1-193.1 et al.*

1. Restrictions: No cleaning agent may contain more than 0.5% phosphorus by weight, expressed as elemental phosphorus, that is incidental to manufacturing. However, a cleaning agent used in a *commercial* dishwashing machine may contain up to 8.7% phosphorus by weight.
2. Exemptions: These restrictions do not apply to a cleaning agent that is:
  - (a) used in dairy, beverage or food processing equipment;
  - (b) a product used as an industrial sanitizer, brightener, acid cleaner or metal conditioner, including phosphoric acid products or trisodium phosphate;
  - (c) used in hospitals, veterinary hospitals, clinics or health care facilities, or in agricultural or dairy production or in the manufacture of health care supplies;
  - (d) used in a commercial laundry that provides laundry services for a hospital, health care facility or veterinary hospital;
  - (e) used by industry for metal cleaning or conditioning;
  - (f) manufactured, stored, or distributed for use or sale outside of Virginia;
  - (g) used in any laboratory, including a biological lab, research facility, chemical lab and engineering lab;
  - (h) used for cleaning hard surfaces, including household cleansers for windows, sinks, counters, ovens, tubs, or other food preparation surfaces and plumbing fixtures; or
  - (i) used as a water softening chemical, antiscaling chemical or corrosion inhibitor intended for use in closed systems, such as boilers, air conditioners, cooling towers, or hot water heating systems.
3. Definitions: "Cleaning agent" means a laundry detergent, dishwashing compound, household dishwashing detergent, household cleaner, metal cleaner, industrial cleaner, phosphate compound or other substance that is intended to be used for cleaning purposes.

# WASHINGTON

*Revised Code Washington 70.95L.010 et al.*

1. Restrictions: A person may not sell or distribute for sale a laundry detergent that contains 0.5% or more phosphorus by weight. Further, a person may not sell or distribute for sale a dishwashing detergent that contains 8.7% or more phosphorus by weight.

Beginning July 1, 2008, in counties located east of the crest of the Cascade mountains with populations greater than 400,000, a person may not sell or distribute for sale a dishwashing detergent that contains 0.5% or more phosphorus by weight. (i.e.: Spokane County)

From July 1, 2008 to June 30, 2010, in counties located west of the Cascade mountains with populations greater than 180,000 and less than 220,000, a person may not sell or distribute for sale a dishwashing detergent that contains 0.5% or more phosphorus by weight except in a single-use package containing no more than 2.0 grams of phosphorus. (i.e.: Whatcom County)

Beginning July 1, 2010, a person may not sell or distribute for sale a dishwashing detergent that contains 0.5% or more phosphorus by weight in the state of Washington.

2. Exemptions: The restrictions do not apply to the sale or distribution of detergents for commercial or industrial uses.
3. Definitions:
  - (a) "Dishwashing detergent" means a cleaning agent sold, used or manufactured for the purpose of cleaning dishes, whether by hand or by household machine.
  - (b) "Laundry detergent" means a cleaning agent sold, used or manufactured for the purpose of cleaning laundry, whether by hand or by household machine.
  - (c) "Single-Use Package" means a tablet or other form of dishwashing detergent that is constituted and intended for use in a single washing.

# WISCONSIN

## *Wisconsin Statutes 100.28*

1. Restrictions: No person may sell or offer to sell at retail: a) any cleaning agent for **non-household** machine dishwashing or for cleansing of medical and surgical equipment which contains more than 8.7% phosphorus by weight; b) Any other cleaning agent which contains more than 0.5% phosphorus by weight (including **household** machine dishwashing detergent); c) Any chemical water conditioner which contains more than 20% phosphorus by weight.

The same restrictions apply to sales made to retailers.

2. Exemptions: Exempt from these restrictions are cleaning agents used for industrial processes and cleaning or for cleansing dairy equipment.
3. Definitions:
  - (a) "Chemical water conditioner" means a water softening chemical or other substance containing phosphorus intended to treat water for machine laundry use.
  - (b) "Cleaning agent" means any laundry detergent, laundry additive, dishwashing compound, cleanser, household cleaner, metal cleaner, degreasing compound, commercial cleaner, industrial cleaner, phosphate compound or other substance intended to be used for cleaning purposes