

**As Passed by the House**

**127th General Assembly  
Regular Session  
2007-2008**

**S. B. No. 214**

**Senator Niehaus**

**Cosponsors: Senators Jacobson, Spada, Miller, D., Morano, Kearney,  
Mumper, Fedor, Harris, Padgett, Seitz, Schaffer, Stivers, Wilson, Roberts,  
Mason, Gardner, Schuler, Miller, R., Smith  
Representatives Ujvagi, Chandler, Celeste, Hagan, R., McGregor, J., Bolon,  
Boyd, Budish, Collier, DeBose, Domenick, Evans, Flowers, Gerberry, Goyal,  
Harwood, Heard, Letson, Oelslager, Patton, Stewart, D., Yates**

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**A B I L L**

To amend sections 6111.09 and 6111.10 and to enact 1  
section 6111.11 of the Revised Code to prohibit 2  
the sale of dishwasher detergent that contains 3  
above a specified amount of phosphorus. 4

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** That sections 6111.09 and 6111.10 be amended and 5  
section 6111.11 of the Revised Code be enacted to read as follows: 6

**Sec. 6111.09.** (A) Any person who violates section 6111.07 of 7  
the Revised Code shall pay a civil penalty of not more than ten 8  
thousand dollars per day of violation. Any person who purposely 9  
violates section 6111.10 or 6111.11 of the Revised Code shall pay 10  
a civil penalty of fifty dollars for a first violation and a civil 11  
penalty of not more than five hundred dollars for each subsequent 12  
violation occurring within twelve months of the first violation. 13

The attorney general, upon written request by the director of 14

environmental protection, shall commence an action under this 15  
section against any person who violates section 6111.07 of the 16  
Revised Code. The director shall notify in writing any person who 17  
is allegedly selling or offering for sale a product in violation 18  
of section 6111.10 or 6111.11 of the Revised Code of the alleged 19  
specific violation and shall request the person to remove the 20  
product from ~~his~~ the person's sales area. If at least ten days 21  
after providing ~~such~~ that notification the director determines 22  
that the person has failed to remove the product from ~~his~~ the 23  
person's sales area, the director in writing shall request the 24  
attorney general to, and the attorney general shall, commence an 25  
action under this section against the person. Any action under 26  
this section is a civil action, governed by the Rules of Civil 27  
Procedure and other rules of practice and procedure applicable to 28  
civil actions. 29

(B) One-half of the moneys collected as civil penalties under 30  
division (A) of this section shall be credited to the 31  
environmental education fund created in section 3745.22 of the 32  
Revised Code. The remainder of the moneys so collected shall be 33  
credited to the water pollution control administration fund, which 34  
is hereby created in the state treasury. The water pollution 35  
control administration fund shall be administered by the director. 36  
Moneys in the water pollution control administration fund shall be 37  
used to supplement other moneys available for the administration 38  
and enforcement of this chapter and the rules adopted and terms 39  
and conditions of orders and permits issued under it, including, 40  
without limitation, the issuance of permits under it, and shall 41  
not be used to satisfy any state matching fund requirements for 42  
the receipt of any federal grant funds. 43

The director may expend not more than seven hundred fifty 44  
thousand dollars of the moneys credited to the water pollution 45  
control administration fund under this division in any fiscal year 46

for the purposes specified in this division. The director may 47  
request authority from the controlling board to expend any moneys 48  
credited to that fund in any fiscal year in excess of that amount. 49

**Sec. 6111.10.** After January 1, 1990, no person shall sell, 50  
offer for sale, or distribute for sale in the counties of 51  
Ashtabula, Trumbull, Lake, Geauga, Portage, Stark, Cuyahoga, 52  
Summit, Medina, Lorain, Ashland, Richland, Huron, Erie, Crawford, 53  
Marion, Wyandot, Seneca, Sandusky, Ottawa, Lucas, Wood, Hancock, 54  
Hardin, Fulton, Henry, Putnam, Allen, Auglaize, Shelby, Mercer, 55  
Van Wert, Paulding, Defiance, and Williams, a household laundry 56  
detergent containing phosphorus in any form in excess of one-half 57  
~~percent~~ per cent by weight expressed as elemental phosphorus. 58

This section does not apply to: 59

(A) A cleanser, rinsing aid, ~~or~~ sanitizing agent, or 60  
detergent intended primarily for use in an automatic or machine 61  
dishwasher; 62

(B) An industrial or commercial conversion coating agent, 63  
corrosion remover, paint remover, rust inhibitor, metal 64  
brightener, etchant, or other surface conditioner; 65

(C) A solvent cleaner or other similar product not normally 66  
used with water; 67

(D) A disinfectant, detergent, or sanitizer used in 68  
institutions, hospitals, veterinary hospitals or clinics, nursing 69  
homes, or other health care facilities or by commercial laundries 70  
that provide laundry services for those institutions and 71  
facilities or for other commercial establishments; 72

(E) A compound or product used in the manufacture or 73  
processing of foods or food products, including those used in 74  
dairy, beverage, egg, fish, poultry, meat, fruit, or vegetable 75  
processing facilities; 76

(F) A product intended primarily for personal use, including, 77  
but not limited to, bathing soaps, dentifrices, shampoos, 78  
cleansing creams, toothpastes, or other products for the care of 79  
the human body; 80

(G) A product subject to registration or control under 81  
federal or state law governing foods, drugs, cosmetics, 82  
insecticides, fungicides, or rodenticides; 83

(H) A product normally not used with water, such as a 84  
cleanser for windows, ovens, or other hard surfaces; 85

(I) A water softening chemical, anti-scale chemical, or 86  
corrosion inhibitor intended for use in circulatory systems, such 87  
as boilers, air conditioners, cooling towers, or hot water heating 88  
systems; 89

(J) A product used as a cleanser in the washing of milking or 90  
milk storage equipment normally used in the production of milk for 91  
market; 92

(K) A compound or product used for cleaning in 93  
transportation, commercial, or industrial activities; 94

(L) Retail sales or offers for sale from a retailer's 95  
inventory of a product otherwise covered by this section that 96  
remains at the end of the business day on December 31, 1989, if 97  
the retailer's inventory of the product during December, 1989, 98  
does not exceed ~~his~~ the retailer's average monthly inventory 99  
during the previous twelve months. 100

A person who unknowingly sells, offers for sale, or 101  
distributes for sale a household laundry detergent in violation of 102  
this section is not subject to the imposition of a civil penalty 103  
under section 6111.09 of the Revised Code for that violation if 104  
the sale, offer for sale, or distribution for sale occurred 105  
because of the inadvertent or unintentional delivery of the 106  
detergent to a business location in a county where such sale, 107

offer for sale, or distribution for sale is prohibited under this 108  
section. 109

This section is intended for general application throughout 110  
the counties enumerated in it. Therefore, no such county and no 111  
political subdivision located within any such county shall adopt 112  
or enforce any law, ordinance, rule, resolution, requirement, or 113  
policy regulating the phosphorus content of any household laundry 114  
detergent that is to be sold, offered for sale, or distributed for 115  
sale in that county or political subdivision. 116

Sec. 6111.11. On and after July 1, 2010, no person shall 117  
sell, offer for sale, or distribute for sale a cleanser, rinsing 118  
aid, sanitizing agent, or detergent that is intended primarily for 119  
use in an automatic or machine dishwasher and that contains 120  
phosphorus in any form in excess of one-half per cent by weight 121  
expressed as elemental phosphorus. 122

This section does not apply to either of the following: 123

(A) Cleansers, rinsing aids, sanitizing agents, or detergents 124  
that are used in an automatic or machine dishwasher in a 125  
commercial or institutional facility; 126

(B) Retail sales or offers for sale from a retailer's 127  
inventory of a product that is otherwise covered by this section 128  
and that remains at the end of the business day on June 30, 2010, 129  
if the retailer's inventory of the product during June 2010 does 130  
not exceed the retailer's average monthly inventory during the 131  
previous twelve months. 132

**Section 2.** That existing sections 6111.09 and 6111.10 of the 133  
Revised Code are hereby repealed. 134