



S.B. 214

127th General Assembly

(As Reported by S. Environment and Natural Resources)

Sens. Niehaus, Jacobson, Spada, D. Miller, Morano, Kearney, Mumper

BILL SUMMARY

- On and after July 1, 2010, prohibits the sale, offer for sale, or distribution of dishwasher detergent that contains in excess of 0.5% of phosphorus.
- Establishes civil penalties for violation of the prohibition.

CONTENT AND OPERATION

Current law prohibits any person from selling, offering for sale, or distributing for sale a household laundry detergent containing phosphorous in any form in excess of 0.5% by weight expressed as elemental phosphorous in all of the following counties: 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, Paulding, Defiance, and Williams. However, the current prohibition does not apply to a cleanser, rinsing aid, or sanitizing agent intended primarily for use in an automatic or machine dishwasher. The bill adds that the prohibition does not apply to a detergent intended primarily for use in an automatic or machine dishwasher. (Sec. 6111.10.)

The bill then states that on and after July 1, 2010, a person cannot sell, offer for sale, or distribute for sale 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 0.5% by weight expressed as elemental phosphorus. However, the prohibition does not apply to either of the following:

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

(2) Retail sales or offers for sale from a retailer's inventory of a product that is otherwise covered by the bill 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 12 months. (Sec. 6111.11.)

Persons that purposely violate the above prohibition are subject to a civil penalty of \$50 for a first violation and a civil penalty of not more than \$500 for each subsequent violation occurring within 12 months of the first violation. The Director of Environmental Protection must notify in writing any person who is allegedly selling or offering for sale a product in violation of the bill of the alleged specific violation and request the person to remove the product from the person's sales area. If at least ten days after providing the notification the Director determines that the person has failed to remove the product from the person's sales area, the Director in writing must request the Attorney General to, and the Attorney General must, commence an action against the person. (Sec. 6111.09(A).)

HISTORY

ACTION	DATE
Introduced	09-18-07
Reported, S. Environment & Natural Resources	10-24-07

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