



The Soap and Detergent Association

TESTIMONY

Connecticut Proposed Bill No. 5465

Limiting the Use of Phosphorus in Laundry and Automatic Dishwashing Detergents

Connecticut General Assembly

Joint Committee on Environment

Presented By
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February 23, 2008

The Soap and Detergent Association (SDA) is a 108 member national trade association representing the formulators of household, commercial and institutional cleaning products and the suppliers of ingredients and packaging to those formulators.

I appear today to speak in favor of Proposed Bill 5465 with amendments. The amendments would align the proposal with SDA-supported laws now in place in twelve states across the country including Massachusetts, and Vermont and currently before the New Hampshire Legislature (see attachment).

Background

Laundry Detergents

To SDA's knowledge the manufacture of phosphorus containing laundry detergents by mainstream formulators ended in 1993. It is doubtful therefore that any phosphorus containing product could be found in the United States at this point in time. As is the case in most states, a so-called "trace element" of no more than 0.5% is permitted. Connecticut does not have this particular provision because it allowed up to 7 grams of phosphorus per recommended use level per Section 22a-462(a). As noted, however, these limits are no longer relevant as a result of product evolution.

Automatic Dishwashing Products

In January, 2006, SDA and its members reached an agreement with the Washington State Legislature to limit the amount of phosphorus in automatic dishwashing detergents (ADDs) for home use to 0.5%, the so-called "trace element," effective July 1, 2010. In the ensuing three years, ADD formulators have conducted the research and development for the new products, readjusted manufacturing facilities, realigned their ingredient supply chain, begun the introduction of the new products and planned for the exchange of new product for the old at the retail level to ensure as seamless a transition as possible. This is an irrevocable, nationwide



Legislative Landscape: Phosphate Ban in Automatic Dishwashing Detergent

February 19, 2009

Statutes (12)

The following states all have an effective date of July 1, 2010 for a reduction in the use of phosphorus in household automatic dishwashing detergents to a maximum of 0.5% by weight. Commercial dishwashing is not affected.

WASHINGTON STATE (HB2263) – The bill was signed into law March 27, 2006.

MINNESOTA (Original bills SF1109 / HF1382; Omnibus SF1312) – Governor Pawlenty signed the bill into law on May 25, 2007.

ILLINOIS (SB376) – Governor Blagojevich signed the bill into law on August 13, 2007.

INDIANA (HB 1120) – The SDA model including the July 1, 2010 effective date was signed by the governor on March 3, 2008.

MASSACHUSETTS (SB536) – SDA model was signed into law on February 21, 2008.

UTAH (H.B 303) – The legislation was signed into law on March 14, 2008.

VIRGINIA (HB233) – The bill was signed into law on February 22, 2008.

VERMONT (SB137) – Governor Douglas signed the bill into law on May 16, 2007.

MARYLAND (SB766 & HB1131) – The original bill was signed into law on Tuesday, April 24, 2007. Legislation extending the effective date to July 1, 2010 was signed into law on May 13, 2008.

PENNSYLVANIA (SB1017) – The bill was signed into law on May 13, 2008.

OHIO (SB214) – The bill contains the **July 1, 2010** effective date. The bill was signed on June 3, 2008.

MICHIGAN (Substitute 2 for SB152) – Governor Granholm signed the SDA model into law on January 6, 2009.

Sec. 22a-460. (Formerly Sec. 25-54nn). Detergents: Definitions. As used in sections 22a-460 to 22a-462, inclusive:

(a) "Synthetic detergent" or "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;

(b) "Polyphosphate builder" or "phosphorus" means a water softening and soil suspending agent made from condensed phosphates, including pyrophosphates, triphosphates, tripolyphosphates, metaphosphates and glassy phosphates, used as a detergent ingredient;

(c) "Recommended use level" means the amount or concentration of synthetic detergent or detergent which the manufacturer thereof recommends for use, at which level such synthetic detergent or detergent will effectively perform its intended function;

(d) "Machine dishwasher" means equipment manufactured for the purpose of cleaning dishes, glassware and other utensils involved in food preparation, consumption or use, using a combination of water agitation and high temperatures;

(e) "Dairy equipment", "beverage equipment" and "food processing equipment" mean that equipment used in the production of milk and dairy products, foods and beverages, including the processing, preparation or packaging thereof for consumption;

(f) "Industrial cleaning equipment" means machinery and other tools used in cleaning processes during the course of industrial manufacturing, production and assembly;

(g) "Sewage system additive" means any substance or compound sold or offered for sale for the purpose of cleaning, degreasing, unclogging or enhancing the performance of any septic tank, subsurface sewage disposal system, house sewer, sewer service connection, groundwater control system or subsurface drain.

Sec. 22a-462. (Formerly Sec. 25-54pp). Sale of certain detergents prohibited:

Excepted uses. Regulations. (a) No person, firm or corporation shall sell, offer or expose for sale, give or furnish any synthetic detergent or detergent which requires a recommended use level of such synthetic detergent or detergent which contains more than seven grams of phosphorus by weight expressed as elemental phosphorus, within the state of Connecticut from and after February 1, 1972, except that synthetic detergents or detergents manufactured for use or to be used for medical, scientific or special engineering purposes or for use in commercial and institutional machine dishwashers, dairy equipment, beverage equipment, food processing equipment and industrial cleaning equipment shall not be subject to the limitation in this section.

(b) No person, firm or corporation shall sell, offer or expose for sale, give or furnish any synthetic detergent or detergent for use in household machine dishwashers which contains more than 0.5% phosphorus by weight expressed as elemental phosphorus, within the state of Connecticut after July 1, 2010.

(bc) The concentration of phosphorus, by weight, expressed as elemental phosphorus in any synthetic detergent or detergent shall be determined by the current applicable method prescribed by the American Society for Testing and Materials.

(ed) The provisions of subsections (b) and (c) of section 22a-438, shall not apply to violations of subsection (a) of this section.

(de) The Commissioner of Environmental Protection shall adopt regulations in accordance with the provisions of chapter 54 to carry out the provisions of sections 22a-460 to 22a-462, inclusive.