HB0819 Enrolled

1 AN ACT concerning safety.

## 2 Be it enacted by the People of the State of Illinois, 3 represented in the General Assembly:

Section 1. Short title. This Act may be cited as the
Regulation of Phosphorus in Detergents Act.

6 Section 5. Prohibition; definition; exceptions.

7 (a) On and after July 1, 2010, no person may use, sell,
8 manufacture, or distribute for sale any cleaning agent
9 containing more than 0.5% phosphorus by weight, expressed as
10 elemental phosphorus, in Illinois, except as otherwise
11 provided in this Section.

(b) As used in this Section, "cleaning agent" means 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.

17 (c) This Section does not apply to cleaning agents that are 18 used:

19 (1) In agricultural, biofuel, or dairy production,20 including bottling equipment.

(2) To clean commercial food, brewery, or beverage
 processing equipment and containers, and in commercial
 automatic dishwashing machines, flatware presoak products,

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or commercial dishwashing rinse additive products.

(3) In hospitals, clinics, nursing homes, other health
care facilities, or veterinary hospitals or clinics, or for
use as commercial bathroom cleaners.

5 (4) In any medical, biological, chemical, engineering, 6 or other such laboratory, including those associated with 7 any academic or research institution.

8 (5) In commercial laundries that provide cleaning 9 services for a hospital, health care facility, or 10 veterinary hospital.

11 (6) As water softeners, anti-scale agents, or 12 corrosion inhibitors, if that use is in a closed system 13 such as a boiler, air conditioner, cooling tower, or hot 14 water heater.

(7) As industrial or institutional sanitizers, metal
brighteners, or metal cleaning or metal conditioning,
including products containing phosphoric acid or trisodium
phosphate.

(d) This Section does not apply to cleaning agents that:

20 (1) contain phosphorus in an amount not exceeding 0.5%,
21 expressed as elemental phosphorus by weight;

(2) are manufactured, stored, sold, or distributed for
use solely outside the State; or

(3) are regulated by federal law, including the Food
Drug and Cosmetic Act and the Federal Insecticide,
Fungicide and Rodenticide Act.

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(e) The Illinois Pollution Control Board may authorize the 1 2 use of additional cleaning agents that contain phosphorus of an 3 amount exceeding 0.5% by weight upon finding that there is no adequate substitute for that cleaning agent or that compliance 4 5 with this Section would otherwise be unreasonable or create a 6 significant hardship on the user. The Illinois Pollution 7 Control Board shall promulgate rules for the administration and 8 enforcement of the provisions of this Section.

9 (f) The regulation of phosphorus in detergents is an 10 exclusive power and function of the State. A home rule unit may 11 not regulate phosphorus in detergents. This Section is a denial 12 and limitation of home rule powers and functions under 13 subsection (h) of Section 6 of Article VII of the Illinois 14 Constitution.

Section 99. Effective date. This Act takes effect upon becoming law.