
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 858

Session of
1973

INTRODUCED BY DWYER, ANDREWS, ORLANDO AND ROSS, MAY 29, 1973

REFERRED TO ENVIRONMENTAL RESOURCES, MAY 29, 1973

AN ACT

1 To prohibit phosphorus and other environmentally harmful
2 substances in cleaning agents and providing penalties.

3 The General Assembly of the Commonwealth of Pennsylvania
4 hereby enacts as follows:

5 Section 1. The General Assembly finds and declares that:

6 (1) The surface and ground waters in the Commonwealth are
7 being seriously polluted and degraded by the continuing
8 discharge into such waters of synthetic cleaning agents whose
9 ingredients feed polluting green algae, deprive lakes and rivers
10 of life-giving oxygen, decompose slowly or not at all, and can
11 be toxic to fish and wildlife and pose human health hazards.

12 (2) To abate and control the pollution and degradation of
13 surface and ground waters in the public interest, it is
14 necessary to insure that the components of synthetic cleaning
15 agents which are offered for use within the Commonwealth, and
16 which may eventually be discharged into such waters, not cause
17 or contribute to the pollution or degradation of such waters.

18 (3) Research published in 1966 by scientists of the United

1 States Public Health Service; the report of the Lake Erie
2 Enforcement Conference Technical Committee, March 1967, and the
3 report of the Technical and Advisory Boards to the United
4 States-Canada International Joint Commission of September 1969,
5 as well as other scientific studies in the United States and
6 abroad demonstrate that phosphorus in cleaning agents are an
7 undeniable major cause of water pollution, accelerating beyond
8 control the growth of algae which interfere with fishing,
9 navigation, recreational use of water, and degrade the water to
10 the detriment of our water resources and the environment
11 generally.

12 (4) Published findings in the patent and scientific
13 literature and recent public scientific testimony before the
14 General Assembly confirm that nonphosphorus based ingredients
15 have been found which perform at least as well as the present
16 phosphorus ingredients in synthetic detergents and soaps.

17 (5) The Legislature hereby finds and declares that
18 restriction of the phosphorus content of cleaning agents and
19 substitutes therefor is an essential measure in the prevention
20 and control of nuisance growths of algae, weeds, and slimes
21 which are or may become injurious to beneficial water uses,
22 particularly in Lake Erie and in other waters of the State.

23 Section 2. As used in this act:

24 (1) "Cleaning agent" means a compound composed of inorganic
25 and organic components, including surface active agents, soaps,
26 water softening agents, builders, dispersing agents, corrosion
27 inhibitors, foaming agents, buffering agents, brighteners,
28 fabric softeners, dyes, perfumes, enzymes, and fillers, which is
29 available for household, laundry, industrial, and other uses in
30 liquid, bar, spray, tablet, flake, powder, or other form.

1 (2) "Phosphorus" means a cleaning agent ingredient used
2 principally as a water softening and soil suspending agent made
3 from condensed phosphates, including the pyrophosphates, the
4 triphosphates (frequently called tripolyphosphates) and the
5 glossy phosphates or metaphosphates.

6 (3) "Water conditioner" means any water softening chemical,
7 anti-scale chemical, corrosion inhibitor, or other substance
8 intended to be used to treat water.

9 (4) "Environmentally harmful substance" means any substance
10 found to be harmful to the environment as determined by the
11 Secretary of Environmental Resources.

12 Section 3. (a) After December 31, 1973, no person shall sell
13 or distribute for use in this State any cleaning agent
14 containing phosphorus, in any form or combination of forms in
15 excess of twenty per cent by weight expressed as phosphorus
16 pentoxide, or eight and seven-tenths per cent by weight
17 expressed as elemental phosphorus. After December 31, 1974, no
18 person shall sell or distribute for use in this State any
19 cleaning agent containing phosphorus, in any form or combination
20 of forms in excess of two and two-tenths per cent by weight
21 expressed as elemental phosphorus, except synthetic detergent or
22 detergents manufactured for use in machine dishwashers, dairy
23 equipment, beverage equipment and industrial cleaning equipment,
24 but not to exceed eight and seven-tenths per cent by weight
25 expressed as elemental phosphorus.

26 (b) Any person who violates the provisions of this section
27 shall, upon conviction therefor, be sentenced to pay a fine of
28 not more than two thousand five hundred dollars (\$2,500), or
29 undergo imprisonment not exceeding three hundred sixty-four
30 days, or both. If such person is an association or partnership,

1 the members thereof, or if a corporation, the directors and
2 officers thereof, may be found guilty of the offense described
3 in this section, if the member, officer or director had reason
4 to know the violation would take place and did not use his best
5 efforts to prevent it.

6 (c) Each sale violating the provisions of this section shall
7 constitute a separate offense.

8 Section 4. The Department of Environmental Resources may,
9 after a public hearing adopt regulations restricting the
10 nutrient content and other contents of cleaning agents and water
11 conditioners, in order to prevent and control nuisance growths
12 of algae, weeds, and slimes which are or may become injurious to
13 beneficial water uses, to prevent cleaning agents and water
14 conditioners, separately or in combination with other
15 substances, from rendering or tending to render any waters of
16 the State harmful or inimical to public health, or to animal or
17 aquatic life, or to beneficial water uses, and to minimize any
18 hazard to the health or safety of the user of the cleaning agent
19 or water conditioner. No person shall sell or distribute for use
20 in this Commonwealth any cleaning agent or water conditioner in
21 violation of a regulation adopted by the Department of
22 Environmental Resources pursuant to this act.

23 Section 5. (a) Nothing in this act shall be deemed to forbid
24 the sale or distribution for use of any cleaning agent or water
25 conditioner to a purchaser who shall issue to the seller or
26 distributor a certificate that such cleaning agent or water
27 conditioner will be used exclusively in a facility, the
28 discharge from which is authorized by a valid industrial wastes
29 permit issued pursuant to the act of June 22, 1937 (P.L.1987,
30 No.394), known as "The Clean Streams Law."

1 (b) Any person who shall issue any such certificate which is
2 false, or who, after purchase of such cleaning agent or water
3 conditioner, shall use it other than as specified in a
4 certificate, shall, upon conviction therefor, be sentenced to
5 pay a fine of not more than two thousand five hundred dollars
6 (\$2,500), or undergo imprisonment not exceeding three hundred
7 sixty-four days, or both. If such person is an association or
8 partnership, the members thereof, or if a corporation, the
9 directors and officers thereof, may be found guilty of the
10 offense described in this subsection, if the member, officer or
11 director had reason to know that the violation would take place
12 and did not use his best efforts to prevent it.

13 (c) Each issuance of a false certificate, or use of a
14 cleaning agent or water conditioner other than as specified in a
15 certificate, shall constitute a separate offense.

16 Section 6. Whenever the Attorney General has reason to
17 believe any person is violating the provisions of this act, he
18 may bring an action in the name of the Commonwealth against such
19 person to restrain by temporary or permanent injunction such
20 unlawful act. The action may be brought in the court of common
21 pleas of the county in which such person has his principal place
22 of business or is doing business, or in which such violations
23 have occurred. The said courts are authorized to issue temporary
24 or permanent injunctions to restrain and prevent violations of
25 this act and such injunctions shall be issued without bond.

26 Section 7. In the administration of this act, the Attorney
27 General may accept an assurance of voluntary compliance with
28 respect to any act or practice deemed to be violative of the act
29 from any person who has engaged or was about to engage in such
30 act or practice. Any such assurance shall be in writing, and be

1 filed with the court of common pleas in which the alleged
2 violator has his principal place of business, is doing business,
3 or in which violations have occurred. Such assurance of
4 voluntary compliance shall not be considered an admission of
5 violation for any purpose. Matters thus closed may at any time
6 be reopened by the Attorney General for further proceedings in
7 the public interest.

8 Section 8. A municipality or township shall not enact or
9 enforce any existing or future ordinance or rule with respect to
10 the sale, disposition or use of cleaning agents containing
11 phosphorus.

12 Section 9. This act shall take effect immediately.