

# SENATE, No. 223

## STATE OF NEW JERSEY 217th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2016 SESSION

**Sponsored by:**

**Senator JAMES W. HOLZAPFEL**

**District 10 (Ocean)**

**Co-Sponsored by:**

**Senator Bateman**

**SYNOPSIS**

Requires labeling of ingredients and restricts phosphorus in household cleansing products.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.



1 AN ACT concerning ingredients in household cleansing products  
2 and supplementing Title 58 of the Revised Statutes.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6

7 1. As used in this act:

8 “Commercial establishment” means any premises used for the  
9 purpose of carrying on or exercising any trade, business, profession,  
10 vocation, or commercial or charitable activity, including but not  
11 limited to laundries, hospitals, retail establishments, and food or  
12 restaurant establishments.

13 “Commissioner” means the Commissioner of Environmental  
14 Protection.

15 “Department” means the Department of Environmental  
16 Protection.

17 “Household cleansing product” means any product, including but  
18 not limited to soaps and detergents, containing a surfactant as a  
19 wetting or dirt emulsifying agent and used primarily for domestic or  
20 commercial cleaning purposes, including but not limited to, the  
21 cleansing of fabrics, dishes, food utensils, and household and  
22 commercial premises. “Household cleansing product” shall not  
23 mean foods, drugs, cosmetics, insecticides, fungicides and  
24 rodenticides, or cleansing products used primarily in industrial  
25 manufacturing, production, and assembling processes.

26 “Manufacturer” means the producer or generator of a household  
27 cleansing product which is distributed, sold, or offered for sale in  
28 the State.

29

30 2. a. No person may distribute, sell, or offer for sale in the  
31 State a household cleansing product unless the wrapper or container  
32 thereof is labeled in the manner required pursuant to subsection b.  
33 of this section.

34 b. The wrapper or container of every household cleansing  
35 product shall list the weight of each ingredient, including but not  
36 limited to phosphorus, which the commissioner determines may  
37 adversely affect human health or the environment. The labeling of  
38 ingredients shall include the percentage by weight in the container  
39 and the weight in grams per recommended use level of each  
40 ingredient, and shall be in accordance with any other requirements  
41 established therefor pursuant to rules and regulations adopted  
42 pursuant to section 6 of this act. Any analysis to determine the  
43 actual composition of the product that is to be included on the  
44 wrapper or container shall be performed by the manufacturer in  
45 accordance with rules and regulations adopted pursuant to section 6  
46 of this act.

1 c. The commissioner may, by rule or regulation adopted  
2 pursuant to section 6 of this act, exempt products shipped or  
3 distributed in bulk from the provisions of this section.  
4

5 3. a. (1) No person may distribute, sell, or offer for sale in the  
6 State a household cleansing product which contains a phosphorus  
7 compound other than trace concentrations, as defined by the  
8 department pursuant to rules and regulations adopted pursuant to  
9 section 6 of this act, except as authorized pursuant to paragraph (2)  
10 of this subsection.

11 (2) A person may distribute, sell, or offer for sale in the State a  
12 household cleansing product for use in:

13 (a) dishwashers, which product contains a phosphorus  
14 compound not more than 0.5% by weight expressed as phosphorus;  
15 or

16 (b) food and beverage processing equipment and dairy  
17 equipment, which product contains a phosphorus compound not  
18 more than 8.7% by weight expressed as phosphorus.

19 b. No person owning, operating, or in control of a commercial  
20 establishment shall possess, use, or authorize any other person by  
21 way of service contract or other arrangement to possess or use in  
22 the commercial establishment any household cleansing product  
23 which contains a phosphorus compound in excess of the amount  
24 allowed for the product under subsection a. of this section.  
25

26 4. A person who violates any provision of this act shall be  
27 subject to a civil penalty of not less than \$500 nor more than \$1,000  
28 for each offense, to be collected in a civil action by summary  
29 proceeding under the "Penalty Enforcement Law of 1999,"  
30 P.L.1999, c.274 (C.2A:58-10 et seq.). If the violation is of a  
31 continuing nature, each day during which it continues shall  
32 constitute an additional, separate and distinct offense.

33 The Superior Court and the municipal court, as appropriate, shall  
34 have jurisdiction to enforce the provisions of the "Penalty  
35 Enforcement Law of 1999" pursuant to this section.  
36

37 5. The department may adopt rules and regulations, pursuant to  
38 the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1  
39 et seq.), to require each manufacturer of household cleansing  
40 products distributed, sold, or offered for sale in the State to submit,  
41 for the public record and on a form prescribed by the department,  
42 information regarding such products, including the nature and  
43 extent of investigations and research performed by the manufacturer  
44 concerning the effects of the products on human health and the  
45 environment. Any information submitted by a manufacturer  
46 pursuant to these rules and regulations shall be made available to  
47 the public and posted on the department's Internet website, except  
48 for those portions the disclosure of which would be seriously

1 prejudicial to the manufacturer's legitimate interest in protecting  
2 trade secrets and economics of operation, as determined by the  
3 manufacturer subject to the approval of the commissioner.  
4

5 6. The Department of Environmental Protection shall adopt,  
6 pursuant to the "Administrative Procedure Act," P.L.1968, c.410  
7 (C.52:14B-1 et seq.), rules and regulations for the purposes of  
8 implementing this act.  
9

10 7. Sections 5 and 6 of this act shall take effect immediately and  
11 the remainder of this act shall take effect one year after the date of  
12 enactment, but the Commissioner of Environmental Protection may  
13 take such anticipatory administrative action in advance thereof as  
14 shall be necessary for the implementation of this act.  
15

16  
17 STATEMENT  
18

19 This bill would restrict the amount of phosphorus in household  
20 cleansing products and require the labeling of certain ingredients,  
21 such as phosphorus, in household cleansing products.

22 The bill would prohibit the distribution, selling, or offering for  
23 sale of any household cleansing product unless its wrapper or  
24 container is labeled to identify the weight of each ingredient the  
25 Commissioner of Environmental Protections determines may  
26 adversely affect human health or the environment. The bill would  
27 also generally prohibit any household cleansing product from being  
28 distributed, sold, or offered for sale in the State if it contains a  
29 phosphorus compound other than trace concentrations. However, a  
30 household cleansing product could be distributed, sold, or offered  
31 for sale in the State if it contains a phosphorus compound not more  
32 than: 0.5% by weight, for a product used in dishwashers; and 8.7%  
33 by weight for a product used in food and beverage processing  
34 equipment and dairy equipment. A person could distribute, sell, or  
35 offer for sale existing stock of household cleansing products only  
36 for a period of up to one year beyond the date of enactment of this  
37 bill into law.

38 A person who violates the labeling requirement or sale  
39 restrictions, set forth in section 2 or 3 of the bill, would be subject  
40 to a penalty of not less than \$500 nor more than \$1,000 for each  
41 offense. If the violation is of a continuing nature, each day during  
42 which it continues would constitute an additional, separate, and  
43 distinct offense.

44 Under the bill, the Department of Environmental Protection  
45 (DEP) may adopt rules and regulations to require manufacturers of  
46 household cleansing products to submit certain information to the  
47 DEP, which would also be posted on the DEP website.

**S223 HOLZAPFEL**

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- 1 A number of states have taken action to restrict the amount of
- 2 phosphorus in household cleaning products, and at least 17 states
- 3 restrict phosphorus in dishwashing detergents.