

No. 2008-15

## AN ACT

SB 1017

Amending the act of July 5, 1989 (P.L.166, No.31), entitled "An act prohibiting the sale, manufacture, distribution or use of certain cleaning agents containing phosphates; conferring powers and duties on the Environmental Quality Board and the Department of Environmental Resources; and providing penalties," further providing for exclusions and exceptions.

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

Section 1. Section 3(b) of the act of July 5, 1989 (P.L.166, No.31), known as the Phosphate Detergent Act, reenacted and amended June 25, 1999 (P.L.228, No.31), is amended to read:

Section 3. Exclusions and exceptions.

\* \* \*

(b) Exceptions.—A person may use, sell, manufacture or distribute for use or sale a cleaning agent that contains greater than 0.0% phosphorus by weight, but does not exceed 8.7% phosphorus by weight, if it is *only one of the following*:

(1) A detergent used in a *commercial or institutional* dishwashing machine[, **whether commercial or household**].

(2) A substance the Environmental Quality Board, by regulation, excludes from the 0.0% phosphorus limitation contained in section 2 based on a finding that compliance with this act would:

(i) create a significant hardship on the user; or

(ii) be unreasonable because of the lack of an adequate substitute cleaning agent.

Section 2. This act shall take effect July 1, 2010, or immediately, whichever is later.

APPROVED—The 13th day of May, A.D. 2008.

EDWARD G. RENDELL