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HOUSE BILL NO. 233

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Agriculture, Chesapeake and Natural Resources
on January 16, 2008)

(Patrons Prior to Substitute—Delegates Cosgrove, Morgan [HB 822], and Plum [HB 341])

A *BILL to amend and reenact §§ 62.1-193.1 and 62.1-193.2 of the Code of Virginia, relating to phosphorus in dishwashing detergents.*

Be it enacted by the General Assembly of Virginia:

1. That §§ 62.1-193.1 and 62.1-193.2 of the Code of Virginia are amended and reenacted as follows:

§ 62.1-193.1. Prohibition on certain cleaning agents.

Except as provided in § 62.1-193.2, a person may not use, sell, manufacture or distribute for use or sale in the Commonwealth any cleaning agent that contains more than zero percent phosphorus by weight expressed as elemental phosphorus except for an amount not exceeding 0.5 percent that is incidental to manufacturing. For the purposes of this chapter, "cleaning agent" means a laundry detergent, dishwashing compound, *household dishwashing detergent*, household cleaner, metal cleaner, industrial cleaner, phosphate compound or other substance that is intended to be used for cleaning purposes.

§ 62.1-193.2. Exceptions.

A. A person may use, sell, manufacture, or distribute for use or sale, a cleaning agent that contains greater than zero percent phosphorus by weight but does not exceed 8.7 percent phosphorus by weight that is:

1. A detergent used in a *commercial* dishwashing machine, ~~whether commercial or household~~; and

2. A substance excluded from the zero percent phosphorus limitation of this chapter by regulations adopted by the Board of Agriculture and Consumer Services which are based on a finding that compliance with this chapter would:

a. Create a significant hardship on the user; or

b. Be unreasonable because of the lack of an adequate substitute cleaning agent.

B. This chapter shall not apply to a cleaning agent that is:

1. Used in dairy, beverage, or food processing equipment;

2. A product used as an industrial sanitizer, brightener, acid cleaner or metal conditioner, including phosphoric acid products or trisodium phosphate;

3. Used in hospitals, veterinary hospitals or clinics, or health care facilities or in agricultural or dairy production or in the manufacture of health care supplies;

4. Used in a commercial laundry that provides laundry services for a hospital, health care facility or veterinary hospital;

5. Used by industry for metal cleaning or conditioning;

6. Manufactured, stored, or distributed for use or sale outside of the Commonwealth;

7. Used in any laboratory, including a biological laboratory, research facility, chemical laboratory, and engineering laboratory;

8. Used for cleaning hard surfaces, including household cleansers for windows, sinks, counters, ovens, tubs, or other food preparation surfaces and plumbing fixtures; or

9. Used as a water softening chemical, antiscald chemical, or corrosion inhibitor intended for use in closed systems, such as boilers, air conditioners, cooling towers, or hot water heating systems.

2. That the provisions of this act shall become effective on July 1, 2010.