

D.C. LAW 6-98

PHOSPHATE SOAPS AND DETERGENT RESTRICTION ACT OF 1985

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

January 28, 1986

To limit the sale and use of soap and detergents containing phosphorous compounds in the District of Columbia.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the Phosphate Soap and Detergents Restriction Act of 1985".

Sec. 2. Definitions.

For the purposes of this act, the term:

(1) "Cleaning agent" means soaps and detergents used for domestic or commercial cleaning purposes, including the purpose of cleaning fabrics, dishes, eating and cooking utensils, homes, or commercial premises, but the term does not include cosmetics and personal hygiene products like toothpaste, shampoo, and hand soap.

(2) "Trace quantity of phosphorus" means the portion of a cleaning agent, not more than 0.5% of the weight of the cleaning agent, that constitutes all of the phosphorus in the cleaning agent.

Sec. 3. (a) Except as provided in subsection (e) of this section, after 180 days after the effective date of this act, no cleaning agent may be used, sold, or furnished in the District of Columbia if it contains a phosphorous compound in the concentration exceeding a trace quantity of phosphorus, except that a cleaning agent with more than a trace quantity of phosphorus may be used for cleaning health care equipment, for use by any commercial or institutional laundry in providing laundry services for a hospital or health care facility; for cleaning food processing equipment, beverage and dairy products handling and processing equipment, and other institutional and industrial applications meeting the requirements of subsection (e), and designed specifically for cleaning dishes washed in dishwashers.

(b) Except as provided in subsection (e) of this section, after 180 days after the effective date of this act, no cleaning agent for use in dishwashers may be used, sold, or furnished in the District of Columbia if it contains elemental phosphorus exceeding 8.7% by weight.

(c) A manufacturer may state on packages containing the cleaning agent which the manufacturer has produced either of the following:

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(1) The percentage of the mass of the cleaning agent comprised of elemental phosphorus according to the chemical weight of the product as compared to the chemical weight of the cleaning agent itself; or

(2) That the cleaning agent conforms to the requirements stated in subsections (a) and (b) of this section.

(d)(1) If a package containing a cleaning agent does not, in writing, present either of the 2 statements suggested in subsection (c) of this section, then the Mayor of the District of Columbia ("Mayor") shall test the cleaning agent to determine whether it complies with subsections (a) or (b) of this section.

(2) Except as provided in subsection (e) of this section, the Mayor shall prohibit from being marketed in the District of Columbia a cleaning agent that does not conform to this section.

(e) After the Mayor issues rules for applying for and receiving an exemption from the obligations in subsections (a) or (b) of this section, the Mayor may permit the use of cleaning agents that do not comply with subsections (a) or (b) under the following circumstances:

(1) Complying with subsections (a) or (b) of this section would create a significant hardship on the consumers using the cleaning agent;

(2) Complying with subsections (a) or (b) of this section would be unreasonable because an adequate substitute is not available; or

(3) Complying with subsections (a) or (b) of this section would disrupt research clearly designed for scientific purposes and not intended to circumvent the purpose of this act.

(f)(1) The Mayor shall issue rules to implement the provisions of this act pursuant to title 1 of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1203; D.C. Code, sec. 1-1501 et seq.).

(2) The Mayor shall transmit the rules required by this section to the Council of the District of Columbia ("Council") for a 30-day period of review, excluding Saturdays, Sundays, legal holidays, and days of Council recess, during which the Council may approve or disapprove, in whole or in part, the rules by resolution. If the Council does not approve or disapprove the rules during the 30-day review period, then the rules shall be considered approved at the expiration of the 30 days.

(g) The Mayor shall report annually, in writing, to the Council on March 1 the reasons for and the number of exemptions granted pursuant to this section and shall identify each person or organization granted an exemption by name and address.

**Sec. 4.** Concerning a civil action against the seller for injuries resulting from violations of this act, a seller has the burden of proving that the cleaning agent complies with this section.

**Sec. 5.** (a) If the Mayor determines that a cleaning agent does not comply with section 3(a) or (b) and has not been exempted according to section 3(e), then the Mayor shall bring an action for criminal violation of this act in the Superior Court of the District of Columbia.

