

AMENDED IN SENATE APRIL 9, 2008

AMENDED IN SENATE MARCH 24, 2008

**SENATE BILL**

**No. 1230**

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**Introduced by Senator Maldonado**

February 14, 2008

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An act to add Chapter ~~12~~ 6.5 (commencing with Section ~~108945~~ 108740) to Part 3 of Division 104 of the Health and Safety Code, relating to product safety.

LEGISLATIVE COUNSEL'S DIGEST

SB 1230, as amended, Maldonado. Detergents: phosphorus.

Existing law prohibits the manufacture, processing, and distribution in commerce of products containing certain chemicals found to raise health risks, including, but not limited to, polybrominated diphenyl ether and phthalates.

This bill would, commencing July 1, 2010, prohibit the use, sale, manufacture, or distribution for sale of any cleaning agent, as defined, if that product contains more than .5% phosphorus by weight, except as specified. The bill would ~~provide for~~ *permit* the ~~State Department of Health Care Services~~ *Toxic Substances Control* to authorize by regulation the use of a cleaning agent that contains phosphorus of an amount exceeding .5% upon finding that compliance with these provisions would create a significant hardship on the user or would otherwise be unreasonable because there is no adequate substitute for that cleaning agent.

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ *yes*. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Chapter ~~126.5~~ (commencing with Section  
2 ~~108945~~)108740) is added to Part 3 of Division 104 of the Health  
3 and Safety Code, to read:

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CHAPTER ~~12-6.5~~. PHOSPHORUS IN DETERGENTS

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7 ~~108945.~~

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108740. (a) Commencing July 1, 2010, no person may use,  
9 sell, manufacture, or distribute for sale any cleaning agent  
10 containing more than .5 percent phosphorus by weight, expressed  
11 as elemental phosphorus, other than an amount not exceeding 0.5  
12 percent that is incidental to manufacturing, except as otherwise  
13 provided in this chapter.

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(b) As used in this chapter, “cleaning agent” means a laundry  
15 detergent, dishwashing compound, household dishwashing  
16 detergent, household cleaner, metal cleaner, industrial cleaner,  
17 phosphate compound, or other substance that is used or intended  
18 to be used for cleaning purposes.

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~~108947.~~

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108742. (a) This chapter does not apply to a cleaning agent  
21 that contains greater than .5 percent phosphorus by weight, but  
22 does not exceed 8.7 percent phosphorus by weight, that is used:

23

(a)

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(1) In a commercial dishwashing machine.

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(b)

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(2) In dairy, beverage, or food processing equipment.

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(c)

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(3) As an industrial sanitizer, brightener, or acid cleaner or metal  
29 conditioner, including products containing phosphoric acid or  
30 trisodium phosphate.

31

(d)

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(4) In hospitals or health care facilities, veterinary hospitals or  
33 clinics, agricultural or dairy production, or the manufacture of  
34 health care supplies.

35

(e)

36

(5) In a commercial laundry that provides laundry services for  
37 a hospital, health care facility, or veterinary hospital.

38

(f)

- 1 (6) By industry for metal cleaning or conditioning.
- 2 ~~(g)~~
- 3 (7) In any medical, biological, chemical, engineering, or other
- 4 laboratory, including those associated with any academic or
- 5 research institution.
- 6 ~~(h)~~
- 7 (8) For cleaning hard surfaces, including household cleansers
- 8 for windows, sinks, counters, ovens, tubs, or other food preparation
- 9 surfaces and plumbing fixtures.
- 10 ~~(i)~~
- 11 (9) As a water-softening agent, antiscaling agent, or corrosion
- 12 inhibitor, if that use is in a closed system, such as a boiler,
- 13 air-conditioner, cooling tower, or hot water heating system.
- 14 (b) *The exemption set forth in this section applies only to*
- 15 *phosphate compounds, and not the ingredients of detergents,*
- 16 *including, but not limited to, nonylphenol or alkylphenol*
- 17 *ethoxylates.*
- 18 ~~108949.~~
- 19 108745. This chapter does not apply to cleaning agents that
- 20 are manufactured, stored, or distributed for use or sale solely
- 21 outside of this state.
- 22 ~~108951. The State Department of Health Care Services may~~
- 23 108747. *The Department of Toxic Substances Control may*
- 24 authorize by regulation the use of a cleaning agent that contains
- 25 phosphorus of an amount exceeding .5 percent by weight upon
- 26 finding that compliance with this chapter would create a significant
- 27 hardship on the user or would otherwise be unreasonable because
- 28 there is no adequate substitute for that cleaning agent.