

SENATE, No. 2098

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED MARCH 16, 2020

Sponsored by:

Senator JAMES W. HOLZAPFEL

District 10 (Ocean)

SYNOPSIS

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

CURRENT VERSION OF TEXT

As introduced.



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

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

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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.

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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.

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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.

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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.

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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.

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37 5. The department may adopt rules and regulations, pursuant to
38 the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-
39 1 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

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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.

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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.

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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.

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STATEMENT

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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.

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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.