

[First Reprint]

SENATE, No. 2098

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED MARCH 16, 2020

Sponsored by:

Senator JAMES W. HOLZAPFEL

District 10 (Ocean)

Co-Sponsored by:

Senator Pou

SYNOPSIS

Restricts phosphorus content and requires labelling thereof for household cleansing products.

CURRENT VERSION OF TEXT

As reported by the Senate Environment and Energy Committee on August 17, 2020, with amendments.



(Sponsorship Updated As Of: 8/27/2020)

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

3
 4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
 5 *of New Jersey:*

6
 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.

29
 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] each¹** household
 35 cleansing product shall list **‘[the weight of each ingredient,**
 36 including but not limited to phosphorus, which the commissioner
 37 determines may adversely affect human health or the environment.
 38 The labeling of ingredients shall include¹ the percentage by weight
 39 **‘of phosphorous¹** in the container and the weight ^{1,1} in grams per
 40 recommended use level ^{1,1} of **‘[each ingredient] phosphorous¹,** and
 41 shall **‘[be in accordance with] conform to¹** any other requirements
 42 established therefor pursuant to rules and regulations adopted
 43 pursuant to section 6 of this act. Any analysis to determine the
 44 **‘[actual composition] amount¹** of **‘phosphorous in¹** the product that

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Senate SEN committee amendments adopted August 17, 2020.

1 is to be included on the wrapper or container shall be performed by
2 the manufacturer in accordance with rules and regulations adopted
3 pursuant to section 6 of this act.

4 c. The commissioner may, by rule or regulation adopted
5 pursuant to section 6 of this act, exempt products shipped or
6 distributed in bulk from the provisions of this section.

7 ¹d. Nothing in this section shall be construed to impose liability
8 on any news media that accept or publish advertising for a product
9 that would otherwise be subject to the provisions of this section.¹
10

11 3. a. (1) No person may distribute, sell, or offer for sale in the
12 State a household cleansing product which contains a phosphorus
13 compound other than trace concentrations, as defined by the
14 department pursuant to rules and regulations adopted pursuant to
15 section 6 of this act, except as authorized pursuant to paragraph (2)
16 of this subsection.

17 (2) A person may distribute, sell, or offer for sale in the State a
18 household cleansing product for use in:

19 (a) dishwashers, which product contains a phosphorus
20 compound not more than 0.5 ¹[%] percent¹ by weight expressed as
21 phosphorus; or

22 (b) food and beverage processing equipment and dairy
23 equipment, which product contains a phosphorus compound not
24 more than 8.7 ¹[%] percent¹ by weight expressed as phosphorus.

25 b. No person owning, operating, or in control of a commercial
26 establishment shall possess, use, or authorize any other person by
27 way of service contract or other arrangement to possess or use in
28 the commercial establishment any household cleansing product
29 which contains a phosphorus compound in excess of the amount
30 allowed for the product under subsection a. of this section.

31 ¹c. Nothing in this section shall be construed to impose liability
32 on any news media that accept or publish advertising for a product
33 that would otherwise be subject to the provisions of this section.¹
34

35 4. A person who violates any provision of this act shall be
36 subject to a civil penalty of not less than \$500 nor more than \$1,000
37 for each offense, to be collected in a civil action by summary
38 proceeding under the "Penalty Enforcement Law of 1999,"
39 P.L.1999, c.274 (C.2A:58-10 et seq.). If the violation is of a
40 continuing nature, each day during which it continues shall
41 constitute an additional, separate and distinct offense.

42 The Superior Court and the municipal court, as appropriate, shall
43 have jurisdiction to enforce the provisions of the "Penalty
44 Enforcement Law of 1999" pursuant to this section.
45

46 5. The department may adopt rules and regulations, pursuant to
47 the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-
48 1 et seq.), to require each manufacturer of household cleansing

1 products distributed, sold, or offered for sale in the State to submit,
2 for the public record and on a form prescribed by the department,
3 information regarding such products, including the nature and
4 extent of investigations and research performed by the manufacturer
5 concerning the effects of the products on human health and the
6 environment. Any information submitted by a manufacturer
7 pursuant to these rules and regulations shall be made available to
8 the public and posted on the department's Internet website, except
9 for those portions the disclosure of which would be seriously
10 prejudicial to the manufacturer's legitimate interest in protecting
11 trade secrets and economics of operation, as determined by the
12 manufacturer subject to the approval of the commissioner.

13

14 6. The Department of Environmental Protection shall adopt,
15 pursuant to the "Administrative Procedure Act," P.L.1968, c.410
16 (C.52:14B-1 et seq.), rules and regulations for the purposes of
17 implementing this act.

18

19 7. Sections 5 and 6 of this act shall take effect immediately and
20 the remainder of this act shall take effect one year after the date of
21 enactment, but the Commissioner of Environmental Protection may
22 take such anticipatory administrative action in advance thereof as
23 shall be necessary for the implementation of this act.