

SENATE ENVIRONMENT AND ENERGY COMMITTEE

STATEMENT TO

SENATE, No. 2098

with committee amendments

STATE OF NEW JERSEY

DATED: AUGUST 17, 2020

The Senate Environment and Energy Committee favorably reports Senate Bill No. 2098 with committee amendments.

This bill, as amended, would restrict the amount of phosphorus in household cleansing products and require wrappers and containers for such products to include certain information on phosphorous content.

The bill would prohibit the distribution, sale, or offer for sale in the State of any household cleansing product unless the product wrapper or container is labeled in accordance with the requirements of the bill. The bill would require a wrapper or container of a household cleansing product to list the percentage by weight of phosphorous in the container and the weight, in grams per recommended use level, of phosphorous, and conform to any other requirements established by the Department of Environmental Protection (DEP). The bill would also generally prohibit any household cleansing product from being distributed, sold, or offered for sale in the State if it contains a phosphorus compound other than trace concentrations. However, a household cleansing product could be distributed, sold, or offered for sale in the State if it contains a phosphorus compound not more than: 0.5 percent by weight, for a product used in dishwashers; and 8.7 percent by weight for a product used in food and beverage processing equipment and dairy equipment. A person could distribute, sell, or offer for sale existing stock of household cleansing products only for a period of up to one year beyond the date of enactment of this bill into law.

A person who violates the labeling requirement or sale restrictions, set forth in section 2 and 3 of the bill, would be subject to a penalty of not less than \$500 nor more than \$1,000 for each offense. If the violation is of a continuing nature, each day during which it continues would constitute an additional, separate, and distinct offense.

Under the bill, the DEP would be authorized to adopt rules and regulations to require manufacturers of household cleansing products to submit certain information to the DEP, which would also be posted on the DEP website.

The committee amendments would:

- (1) provide that nothing in the bill would be construed to impose liability on any news media that accept or publish advertising for a product that would otherwise be subject to the provisions of the bill;
- (2) remove the requirement that a product wrapper or container include information on the weight of each ingredient that the DEP determines may adversely affect human health and the environment; and instead require such labeling only for phosphorous; and
- (3) make technical and clarifying changes to the bill.