

GENERAL ASSEMBLY OF NORTH CAROLINA  
1987 SESSION

CHAPTER 111  
SENATE BILL 164

AN ACT TO PROVIDE FOR THE SALE OF CLEAN DETERGENTS IN NORTH  
CAROLINA.

Whereas, algae blooms have choked the Chowan River, Neuse River, and Tar River and have threatened Falls Lake, Jordan Lake, Pamlico Sound, and Albermarle Sound; and

Whereas, excess nutrients, especially phosphorus, from municipal wastewater treatment plants, septic tanks, urban runoff and agricultural runoff cause algae blooms; and

Whereas, municipalities discharging to nutrient sensitive waters are required to remove phosphorus at their wastewater treatment plants; and

Whereas, many local governments have enacted ordinances to reduce urban runoff and stormwater pollution in watersheds and along streams and rivers; and

Whereas, farmers, assisted by funds provided since 1984 by the General Assembly for the Agriculture Cost Share Program for Nonpoint Source Pollution Control, are using agricultural best management practices to reduce agricultural runoff and to conserve soil; and

Whereas, requiring the use of clean, phosphate-free laundry detergents will immediately reduce the amount of phosphorus in North Carolina's rivers, lakes and sounds at no cost to consumers or to municipalities; and

Whereas, requiring the use of clean, phosphate-free laundry detergents will significantly reduce the amount of phosphorus that municipalities will have to remove at their wastewater treatment plants; and

Whereas, our neighbors the Commonwealth of Virginia and the State of Maryland have enacted similar legislation to address the problem of excess nutrients in their waters; and

Whereas, the Environmental Management Commission at its meeting on March 12, 1987, unanimously adopted a resolution urging the General Assembly to enact legislation limiting phosphorus in laundry detergents; Now, therefore,

The General Assembly of North Carolina enacts:

**Section 1.** Chapter 143 of the General Statutes is amended by adding a new section to read:

"§ 143-214.4. **Certain cleaning agents containing phosphorus prohibited.**—(a) No person may manufacture, store, sell, use, or distribute for sale or use any cleaning agent containing phosphorous in the State, except as otherwise provided in this section.

(b) As used in this section, 'cleaning agent' means a laundry detergent, dishwashing compound, household cleaner, metal cleaner or polish, industrial cleaner, or other substance that is used or intended for use for cleaning purposes.

(c) This section shall not apply to cleaning agents which are used:

- (1) in agricultural or dairy production;
- (2) to clean commercial food or beverage processing equipment or containers;
- (3) as industrial sanitizers, metal brighteners, or acid cleaners, including those containing phosphoric acid or trisodium phosphate;
- (4) in industrial processes for metal, fabric or fiber cleaning and conditioning;
- (5) in hospitals, clinics, nursing homes, other health care facilities, or veterinary hospitals or clinics;
- (6) by a commercial laundry or textile rental service company to provide laundry service to hospitals, clinics, nursing homes, other health care facilities, or veterinary hospitals or clinics or to clean textile products owned by a commercial laundry or textile rental service company and supplied to commercial users of the products on a rental basis;
- (7) in the manufacture of health care or veterinary supplies;
- (8) in any medical, biological, chemical, engineering or other such laboratory, including those associated with any academic or research facility;
- (9) as water softeners, antiscaling agents, or corrosion inhibitors, where such use is in a closed system such as a boiler, air conditioner, cooling tower, or hot water heating system;
- (10) to clean hard surfaces including windows, sinks, counters, floors, ovens, food preparation surfaces, and plumbing fixtures.

(d) This section shall not apply to cleaning agents which:

- (1) contain phosphorus in an amount not exceeding five-tenths of one percent (0.5%) by weight which is incidental to manufacturing;
- (2) contain phosphorus in an amount not exceeding eight and seven-tenths percent (8.7%) by weight and which are intended for use in a commercial or household dishwashing machine;
- (3) are manufactured, stored, sold, or distributed for use solely outside the State.

(e) The Environmental Management Commission may permit the use of a cleaning agent which contains phosphorus in an amount exceeding five-tenths of one percent (0.5%) but not exceeding eight and seven-tenths percent (8.7%) by weight upon a finding that there is no adequate substitute for such cleaning agent, or that compliance with this section would otherwise be unreasonable or create a significant hardship on the user. The Environmental Management Commission shall adopt rules to administer this subsection.

(f) Any person who manufactures, sells or distributes any cleaning agent in violation of this section shall be guilty of a misdemeanor punishable by a fine not to exceed fifty dollars (\$50.00).

(g) Any person who uses any cleaning agent in violation of the provisions of this section shall be responsible for an infraction for which the sanction is a penalty of not more than ten dollars (\$10.00)."

**Sec. 2.** G.S. 143-215.3(a) is amended by adding a new subsection (16) to read:

"(16) To adopt rules limiting the manufacture, storage, sale, distribution or use of cleaning agents containing phosphorus pursuant to G.S. 143-214.4(e), and to adopt rules limiting the manufacture, storage, sale, distribution or use of cleaning agents containing nitrilotriacetic acid."

**Sec. 3.** This act shall become effective January 1, 1988, except that Section 2 is effective upon ratification.

In the General Assembly read three times and ratified this the 29th day of April, 1987.