

AN ACT concerning safety.

**Be it enacted by the People of the State of Illinois,
represented in the General Assembly:**

Section 1. Short title. This Act may be cited as the Regulation of Phosphorus in Detergents Act.

Section 5. Prohibition; definition; exceptions.

(a) On and after July 1, 2010, no person may use, sell, manufacture, or distribute for sale any cleaning agent containing more than 0.5% phosphorus by weight, expressed as elemental phosphorus, in Illinois, except as otherwise provided in this Section.

(b) As used in this Section, "cleaning agent" means a laundry detergent, dishwashing compound, cleanser, household cleaner, metal cleaner or polish, degreasing compound, commercial cleaner, industrial cleaner, or other substance that is used or intended to be used for cleaning purposes.

(c) This Section does not apply to cleaning agents that are used:

(1) In agricultural, biofuel, or dairy production, including bottling equipment.

(2) To clean commercial food, brewery, or beverage processing equipment and containers, and in commercial automatic dishwashing machines, flatware presoak products,

or commercial dishwashing rinse additive products.

(3) In hospitals, clinics, nursing homes, other health care facilities, or veterinary hospitals or clinics, or for use as commercial bathroom cleaners.

(4) In any medical, biological, chemical, engineering, or other such laboratory, including those associated with any academic or research institution.

(5) In commercial laundries that provide cleaning services for a hospital, health care facility, or veterinary hospital.

(6) As water softeners, anti-scale agents, or corrosion inhibitors, if that use is in a closed system such as a boiler, air conditioner, cooling tower, or hot water heater.

(7) As industrial or institutional sanitizers, metal brighteners, or metal cleaning or metal conditioning, including products containing phosphoric acid or trisodium phosphate.

(d) This Section does not apply to cleaning agents that:

(1) contain phosphorus in an amount not exceeding 0.5%, expressed as elemental phosphorus by weight;

(2) are manufactured, stored, sold, or distributed for use solely outside the State; or

(3) are regulated by federal law, including the Food, Drug, and Cosmetic Act and the Federal Insecticide, Fungicide, and Rodenticide Act.

(e) The Illinois Pollution Control Board may authorize the use of additional cleaning agents that contain phosphorus of an amount exceeding 0.5% by weight upon finding that there is no adequate substitute for that cleaning agent or that compliance with this Section would otherwise be unreasonable or create a significant hardship on the user. The Illinois Pollution Control Board shall promulgate rules for the administration and enforcement of the provisions of this Section.

(f) The regulation of phosphorus in detergents is an exclusive power and function of the State. A home rule unit may not regulate phosphorus in detergents. This Section is a denial and limitation of home rule powers and functions under subsection (h) of Section 6 of Article VII of the Illinois Constitution.

Section 99. Effective date. This Act takes effect upon becoming law.