

# HOUSE BILL REPORT

## EHB 2322

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### As Passed Legislature

**Title:** An act relating to limiting the phosphorus content in dishwashing detergent.

**Brief Description:** Limiting the phosphorus content in dishwashing detergent.

**Sponsors:** By Representative Ormsby.

**Brief History:**

**Committee Activity:**

Natural Resources, Ecology & Parks: 1/27/06, 1/31/06 [DP].

**Floor Activity:**

Passed House: 2/14/06, 78-19.

Senate Amended.

Passed Senate: 3/1/06, 41-7.

House Concurred.

Passed House: 3/4/06, 79-18.

Passed Legislature.

### Brief Summary of Engrossed Bill

- Prohibits the sale of dishwashing detergent that contains 0.5 percent or more phosphorous by weight after July 1, 2008 in Clark, Spokane, and Whatcom counties
- Extends the restriction on phosphorous in dishwashing detergent statewide effective July 1, 2010.

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### HOUSE COMMITTEE ON NATURAL RESOURCES, ECOLOGY & PARKS

**Majority Report:** Do pass. Signed by 7 members: Representatives B. Sullivan, Chair; Uptegrove, Vice Chair; Blake, Dickerson, Eickmeyer, Hunt and Kagi.

**Minority Report:** Do not pass. Signed by 4 members: Representatives Buck, Ranking Minority Member; Kretz, Assistant Ranking Minority Member; Chandler and Orcutt.

**Staff:** Jeff Olsen (786-7157).

**Background:**

Phosphorous is a naturally occurring element that stimulates plant growth. When introduced into freshwater, phosphorous promotes growth of weeds and algae and can degrade water quality.

In 1993, legislation was enacted prohibiting the sale of laundry detergent that contains 0.5 percent or more phosphorous by weight, and the sale of dishwashing detergent that contains more than 8.7 percent phosphorous by weight. The Sale or distribution of detergents for commercial and industrial uses are exempt from the restriction.

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**Summary of Engrossed Bill:**

The sale of dishwashing detergent that contains 0.5 percent or more phosphorous by weight is prohibited after July 1, 2008 in counties with populations greater than 180,000 and less than 220,000 and in counties with populations greater than 390,000 and less than 650,000. Three counties currently meet the population criteria as determined by the Office of Financial Management including Clark, Spokane, and Whatcom counties. Beginning July 1, 2010, the restriction on the sale of dishwashing detergent that contains more than 0.5 percent or more phosphorous by weight is effective statewide.

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**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date:** The bill takes effect 90 days after adjournment of session in which bill is passed.

**Testimony For:** (In support) Spokane area waters have excessive phosphates, contributing to a problem with low-dissolved oxygen. Phosphorous is a limiting factor for algal growth, and excess phosphorous can lead to algal blooms, resulting in fish kills. This proposal will eliminate the problem at the source, rather than try to treat it at the end of the pipe. Treatments available for wastewater treatment plants are expensive. Spokane County is planning on spending \$125 million to reduce phosphorous content. There are thousands of septic systems, and these systems do not treat phosphorous. Phosphorous is causing water quality problems all across Washington. There are viable alternatives available to consumers that have no phosphorous. By using detergents that have between 4 and 8 percent phosphorous by content, it is like pouring fertilizer down your drain that will eventually make it into streams. Studies have shown that between 9 and 34 percent of phosphorous in treatment plants are attributable to dishwashing detergents. Toxic algal blooms kill pets and livestock and are a public health concern.

(With concerns) Industry needs more time to effectively implement this change.

**Testimony Against:** Consumers have demonstrated that they prefer dishwashing detergents that contain phosphorous. Phosphorous is an important ingredient in dishwashing detergent

for cleaning and sterilizing. The soap and detergent industry has reduced phosphorous content in hand soaps and has invested \$200 million in alternatives for dishwashing detergent. Alternatives that consumers prefer are not yet available. A study conducted in Minnesota demonstrated that 1.9 percent of the phosphorous going into the stream from a wastewater treatment facility is from dishwashing detergent. There are effective tertiary treatments available that can remove the phosphorous at the treatment facility.

**Persons Testifying:** (In support) Representative Ormsby, prime sponsor; Craig Engelking, Becky Stanley, and Valarie Matinjussi, Sierra Club; Rachel Osborn; Martin Wolf, Seventh Generation Inc.; Rico Reed; Todd Mielke, Spokane County Commissioners; Dave Peeler, Department of Ecology; and Tom Agnew, Liberty Lake Sewer and Water District.

(With concerns) Steve Peterson, Mayor of Liberty Lake.

(Opposed) Bob Gee, Washington Food Industry; Dennis Griesing, Soap and Detergent Association; and Jan Wengler, Reckitt Benckiser.

**Persons Signed In To Testify But Not Testifying:** None.