

SENATE BILL REPORT

EHB 2322

As Reported By Senate Committee On:
Water, Energy & Environment, February 23, 2006

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

Brief Description: Limiting the phosphorus content in dishwashing detergent.

Sponsors: Representative Ormsby.

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

Committee Activity: Water, Energy & Environment: 2/21/06, 2/23/06 [DPA, DNP].

SENATE COMMITTEE ON WATER, ENERGY & ENVIRONMENT

Majority Report: Do pass as amended.

Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Fraser, Pridemore and Regala.

Minority Report: Do not pass.

Signed by Senators Morton, Ranking Minority Member; Delvin, Honeyford and Mulliken.

Staff: Sam Thompson (786-7413)

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

In 1993, legislation was enacted prohibiting sale or distribution for sale of laundry detergent containing 0.5 percent or more phosphorous by weight and dishwashing detergent containing more than 8.7 percent phosphorous by weight. Sale or distribution of detergents for commercial and industrial uses were exempted.

Summary of Amended Bill:

Commencing July 1, 2010, sale or distribution for sale of dishwashing detergent containing 0.5 percent or more phosphorous by weight is prohibited throughout the state. This prohibition takes effect July 1, 2008, in counties with populations greater than 180,000 and less than 220,000 (i.e., Whatcom County) and greater than 390,000 and less than 650,000 (i.e., Clark County and Spokane County).

The exemption for sale or distribution of detergents for commercial and industrial uses is retained.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: This legislation could save hundreds of millions of dollars in wastewater treatment costs related to phosphorus removal. Effective phosphorus-free dishwashing detergent is available to consumers. Studies in Spokane County and elsewhere indicate that phosphorus contributes to low-dissolved oxygen problems and algae growth in many polluted water bodies. It is easier to keep phosphorus out of dishwashing detergent than to remove it from wastewater. Sewage containing dishwashing detergent--including sewage from on-site septic systems--is a major source of phosphorus, and this legislation will significantly reduce phosphate-loading in the environment. Local solutions are insufficient; a statewide policy is needed. If water quality standards cannot be met in the Spokane River, additional regulation and costly wastewater treatment upgrades will be necessary. Apart from Spokane County, this legislation addresses concerns elsewhere, including Lake Whatcom and Hood Canal.

Testimony Against: This is a solution looking for a problem; there could be other sources causing algae growth. While the soap and detergent industry has strived to reduce its use of phosphorus (with a 30 percent decline in 15 years), consumers have rejected phosphorus-free dishwashing detergent, which does not clean as well as detergent containing phosphorus. The industry has not found an effective replacement. Elimination of phosphorus in dishwashing detergent will have an indeterminate effect in Spokane County, and it is premature to enact this legislation before ongoing water quality analysis there is completed. Newer, ecologically-friendly dishwashing involving cooler temperatures and shorter cycles requires stronger detergent containing phosphorus. Phosphorus-containing detergents are better for dishes and dishwashers.

Who Testified: PRO: Rep. Ormsby; Jim Armstrong, Spokane County Conservation District; Richard Reed and Craig Engelking, Sierra Club; Dave Peeler, Department of Ecology; Mike Burgess, Spokane County; Collins Sprague, Avista Corp.

CON: Bob Gee, Washington Food Industry; Dennis Griesing, Soap and Detergent Association; Pat Hayes, Proctor & Gamble; Jan Wengler, Reckitt Benckiser.