

# William & Mary Environmental Law and Policy Review

---

Volume 12 (1987)  
Issue 1 *Environmental Practice News*

Article 5

---

April 1987

## Virginia Legislature Passes Phosphate Ban Bill

Peter R. Lucchesi

Follow this and additional works at: <https://scholarship.law.wm.edu/wmelpr>



Part of the [Environmental Law Commons](#)

---

### Repository Citation

Peter R. Lucchesi, *Virginia Legislature Passes Phosphate Ban Bill*, 12 Wm. & Mary Envtl. L. & Pol'y Rev. 15 (1987), <https://scholarship.law.wm.edu/wmelpr/vol12/iss1/5>

Copyright c 1987 by the authors. This article is brought to you by the William & Mary Law School Scholarship Repository.

<https://scholarship.law.wm.edu/wmelpr>

## Virginia Legislature Passes Phosphate Ban Bill

by

Peter R. Lucchesi

The General Assembly of Virginia has passed a bill which prohibits the use of detergents containing phosphates. Senate Bill 248, enacted in January of this year and effective January 1, 1988, was originally introduced in January of 1986 and generated an intense lobbying campaign by both the soap and detergent industry and numerous environmental and consumer groups inside and outside the state. Virginia now joins a growing list of states, including Maryland, New York, Vermont, Indiana and Wisconsin, which have passed legislation banning the use of detergents containing phosphates.

The need to reduce phosphate levels in the Chesapeake Bay cannot be overstated. Phosphates are a major cause of nutrient enrichment, one of the Chesapeake Bay's greatest problems, especially in freshwater areas.<sup>2</sup> Nutrient enrichment causes the rapid growth of algae, which in turn results in lower oxygen levels in the water and declines in fish, shellfish, and submerged aquatic vegetation.<sup>3</sup> It is estimated that a ban on phosphate containing detergents could result in as much as a 40% reduction in phosphorous loadings to Virginia's sewage treatment plants, resulting in a major improvement in Bay water quality.<sup>4</sup>

Maryland and the District of Columbia passed similar bans on phosphate detergents in 1985, and already there have been significant improvements. The Washington Suburban Sanitary Commission (WSSC), a sewer and water authority which serves Montgomery and Prince William counties, reports that, in the several months following the ban on phosphate detergents, the amount of phosphates in incoming wastewater decreased by an average of 32%.<sup>5</sup> Other improvements include a 50 to 60% reduction in the amount of chemicals needed to remove phosphorous from WSSC sewage treatment plants, and a substantial decrease in the production of sludge, the end product of the phosphate removal process.<sup>6</sup>

The Virginia bill prohibits any person from using, selling, manufacturing or distributing any cleaning agent that's more than zero percent phosphorous by weight except for an amount not exceeding 0.5 percent that is incidental to manufacturing.<sup>7</sup> A person who manufactures, distributes or sells detergents in violation of the provision is guilty of a Class 1 misdemeanor, punishable with a maximum prison term of one year and a maximum fine of \$1000.00.<sup>8</sup> A person who uses a detergent in violation of the provision is guilty of a Class 4 misdemeanor, punishable with a maximum fine of \$100.00.<sup>9</sup>

The bill defines the term "cleaning agents" as including laundry detergents, dishwashing compounds, household cleaners, metal cleaners, industrial cleaners or any other substance used for cleaning purposes.<sup>10</sup> The bill allows a limited number of exceptions which include detergents used in dishwashing machines and other substances which, if excluded, would create a significant hardship to the user or be unreasonable because of the lack of substitute cleaning agents.<sup>11</sup> The exceptions must meet the separate standards of the Board of Agriculture and Consumer Services, and they cannot contain more than 8.7% phosphorous by weight.<sup>12</sup>

A number of cleaning agents will not be affected by the provisions of the bill. The most important of these are cleaning agents used for dairy, beverage and food processing equipment, and cleansers used by laboratories, hospitals, clinics and veterinary hospitals or the commercial laundries which serve these facilities.<sup>13</sup> The responsibility for administering and enforcing the bills' provisions is with the Board of Agriculture and Consumer Services.<sup>14</sup>

The Virginia phosphate detergent ban promises to be a major contribution to the restoration of Chesapeake Bay. Efforts by Virginia and other states to reduce the amount

of phosphates entering the bay from sources other than detergents primarily agricultural runoff, have already reduced the amount of phosphorous entering Chesapeake Bay by an estimated 1.8

million pounds.<sup>15</sup> With the additional ban on phosphate detergents, there will be an even greater improvement in the water quality of one of the nation's greatest natural resources.

---

#### END NOTES

1. *Phosphate Detergent Ban In Virginia: What's in Store ?*, Chesapeake Bay Foundation Bay Watcher Bulletin, Fall 1986, pg. 1.
2. *Id.* at 1.
3. *Id.* at 1.
4. *Id.* at 1.
5. *A Phosphate Ban for Virginia ?*, Chesapeake Bay Foundation News, October, 1986, pg. 2.
6. *Id.* at 2.
7. Va. Code § 62.1-193.1 (1987).
8. Va. Code § 62.1-193.3 (1987). § 18.2-11 (1982).
9. Va. Code § 62.1-193.3 (1987), § 18.2-11 (1982).
10. Va. Code § 62.1-193.1 (1987).
11. Va. Code § 62.1-193.2 (1987).
12. Va. Code § 62.1-193.2 (1987).
13. Va. Code § 62.1-193.2 (1987).
14. Va. Code § 62.1-193.3 (1987).
15. Baliles, *States Reaffirm Bay Commitment*, Chesapeake Bay Foundation News, October, 1986, Pg. 1.