

LOCAL LAW No. 4 - 1971

A local law prohibiting the sale of certain detergents containing phosphorus.

Became a law with the approval of the county executive, April 2, 1971. Passed by the local legislative body of the county of Erie. Filed in the office of the secretary of state April 6, 1971.

*Be it enacted by the legislature of the county of Erie as follows:*

Section 1. Legislative findings and declaration of policy. It is hereby declared that:

(a) the waters of Erie county, particularly those of Lake Erie and its tributaries, are being seriously polluted by the continuous discharge into such waters of phosphorus contained in detergents which fertilize excessive algae growth. Such growth creates a hazard to fish and wildlife as well as to human health and this can destroy the recreational potential of such waters.

(b) The international joint commission's third interim report on pollution of Lake Erie, Lake Ontario and the international section of the St. Lawrence river with regard to the eutrophication of Lake Erie, etc. recommends the immediate reduction to a minimum practicable level of the phosphorus content of detergents and the total quantities of phosphorus-based detergents discharged into the basin with the aim of complete replacement of all phosphorus in detergents with environmentally less harmful materials to follow, and the Dominion of Canada, following the recommendation contained in said report has adopted regulations controlling the use of nutrients in laundry detergents pursuant to the Canada water act.

(c) To abate and control the pollution of the waters of Erie county in the public interests, it is necessary to insure that the ingredients of detergents which are sold or offered for sale in Erie county do not contribute to the pollution of such waters.

§ 2. (a) It shall be unlawful for any person, firm or corporation to sell, offer or expose for sale, give or furnish any synthetic detergent or detergent containing more than eight and seven-tenths percent (8.7%) of phosphorus by weight, expressed as elemental phosphorus, within the county of Erie from and after April thirty, nineteen hundred seventy-one.

(b) It shall be unlawful for any person, firm or corporation to sell, offer or expose for sale, give or furnish any synthetic detergent or detergent containing any phosphorus, expressed as elemental phosphorus, within the county of Erie after January first, nineteen hundred seventy-two.

§ 3. The concentration by weight of phosphorus in any detergent shall be determined by the method prescribed from time to time by the American Society for Testing and Materials.

§ 4. Notwithstanding the foregoing, synthetic detergents or detergents manufactured for use in machine dishwashers, dairy equipment, beverage equipment, food processing equipment and industrial cleaning equipment shall not be subject to the limitations of this local law.

(b) Cooperate with and assist such other governmental or non-governmental boards or organizations in the preparation of plans or reports or the review of proposals or applications as the county executive or legislature may direct.

(c) Advertise, prepare, print, and distribute books, maps, charts, and pamphlets if in its judgment and within appropriations therefor it deems them necessary for its work.

(d) Hold public and private hearings for specified purposes in accord with the general purposes of this law.

(e) Report its findings to the county executive, county legislature, public and private agencies and organizations, and interested private citizens.

§ 1623. **Compensation and expense.** Unless otherwise provided by recommendation of the county executive and resolution of the legislature, the members of the council shall receive no compensation for their services but shall be reimbursed for their expenses actually and necessarily incurred in the performance of their duties hereunder.

§ 1624. **Effective date.** This local law shall take effect immediately.

---

§ 5. Definitions. (a) The term "synthetic detergent" or "detergent" means any cleaning compound which is available for household use, laundry use, other personal uses or industrial use, which is composed of organic and inorganic compounds, including soaps, water softeners, surface active agents, dispersing agents, foaming agents, buffering agents, builders, fillers, dyes, enzymes, fabric softeners and/or other additives, whether in the form of crystals, powders, flakes, bars, liquids, sprays or any other form.

(b) The term "machine dishwasher" means equipment manufactured for the purpose of cleaning dishes, glassware and other utensils involved in food preparation, consumption or use, using a combination of water agitation and high temperatures.

(c) The terms "dairy equipment", "beverage equipment" and "food processing equipment" mean that equipment used in the production of milk and dairy products, foods and beverages including the processing, preparation or packaging thereof for consumption.

(d) The term "industrial cleaning equipment" means machinery and other tools used in cleaning processes during the course of industrial manufacturing, production and assembly.

§ 6. Penalties for violation. Any person violating any provisions of this local law shall be deemed guilty of a violation, as defined in section 10.00 of the Penal Law of the state of New York and subject to a fine of not more than two hundred fifty dollars or by imprisonment for a term not to exceed fifteen days, or by both such fine and imprisonment. A separate and distinct violation shall be regarded as committed each day on which such person shall continue or permit any such violation.

§ 7. This local law shall take effect immediately.

---

---