

DEPARTMENT OF ENVIRONMENTAL QUALITY

SURFACE WATER QUALITY DIVISION

CLEANING AGENTS

(By authority conferred on the department of environmental quality by section 3903 of Act No. 451 of the Public Acts of 1994, as amended, being §324.3903 of the Michigan Compiled Laws)

PART 6. CLEANING AGENTS AND WATER CONDITIONERS

R 323.1171 Definitions.

Rule 171. As used in this part:

(a) "Constituent" means a compound or ingredient contained in the formula of a cleaning agent or water conditioner, other than phosphorus, identified by its common chemical name.

(b) "Department" means the director of the department of environmental quality or his or her designee to whom the director delegates a power or duty by written instrument.

(c) "Person" means a manufacturer, processor, formulator, or packager who sells or distributes any cleaning agent or water conditioner for use in this state.

History: 1979 AC; 2003 AACCS.

R 323.1172 Applicability of rules; exceptions.

Rule 172. The rules in this part apply to all cleaning agents and water conditioners as defined by section 3901 of 1994 PA 451, MCL 324.3901, except for any of the following:

(a) A cleanser, rinsing aid, or sanitizing agent intended primarily for use in an automatic or machine dishwasher.

(b) An industrial and commercial conversion coating agent, corrosion remover, paint remover, rust inhibitor, metal brightener, etchant, or other surface conditioner.

(c) A solvent cleaner or other similar product not normally used with water.

(d) A disinfectant or sanitizer used in institutions, hospitals, and health care facilities.

(e) A compound or product used in the manufacture or processing of foods and food products, including those used in dairy, beverage, egg, fish, poultry, meat, fruit, and vegetable processing facilities.

(f) A product intended primarily for personal use, including, but not limited to, bathing soaps, dentifrices, shampoos, cleansing creams, toothpastes, and other products for the care of the human body.

(g) A product subject to registration or control under federal or state law governing foods, drugs, cosmetics, insecticides, fungicides, and rodenticides.

(h) A product normally not used with water, such as a cleanser for windows, ovens, or other hard surfaces.

(i) A water softening chemical, anti-scale chemical, or corrosion inhibitor intended for use in circulatory systems, such as boilers, air conditioners, cooling towers, and hot water heating systems.

History: 1979 AC; 2003 AACS.

R 323.1173 Statements of product constituents and restrictions.

(1) A person shall not sell or distribute a new, reformulated, or altered cleaning agent or water conditioner unless the person first has filed both of the following with the department:

(a) A written statement setting forth the percentage of phosphorus by weight, expressed as elemental phosphorus, and the chemical names of all constituents in such product not previously filed with the department.

(b) A written statement that a cleaning agent or water conditioner is not likely to cause unlawful pollution or other conditions or injuries as described in sections 3 and 4 of 1994 PA 451, MCL 324.3903 and 324.3904.

(2) A person shall furnish additional information about any constituent contained in a cleaning agent or water conditioner, upon request by the department, if the department determines that the information is necessary to protect the waters of the state from unlawful pollution or other injuries as described in sections 3 and 4 of 1994 PA 451, MCL 324.3903 and 324.3904.

(3) A person shall not sell or distribute for use in this state a household laundry detergent which contains phosphorus in any form in excess of 0.5% by weight, expressed as elemental phosphorus.

(4) Information filed with the department pursuant to this rule shall be used by the department only as the information is necessary to implement the department's function and duty as prescribed by section 3901 et seq. of 1994 PA 451, MCL 324.3901 et seq.

History: 1979 AC; 2003 AACS.

R 323.1174 Rescinded.

History: 1979 AC; 2003 AACS.

R 323.1175 Statements and determinations; proofs and consultations.

Rule 175. (1) A statement filed with the department pursuant to R 323.1173 may be contested by the department if it determines that a cleaning agent or water conditioner is causing or is likely to cause unlawful pollution or other injuries as defined in sections 3 and 4 of 1994 PA 451, MCL 324.3903 and 324.3904.

(2) In determining whether a cleaning agent or water conditioner is causing or is likely to cause unlawful pollution or other injuries as defined in sections 3 and 4 of 1994 PA 451, MCL 324.3903 and 324.3904, the department may seek the counsel and advice of the director of the department of community health on the health or safety of any users of the

cleaning agent or water conditioner and of any state or federal agency or educational institution as to any harmful effect upon animals, aquatic life, or beneficial water uses.

(3) A contest asserted by the department shall be noticed, heard, and determined in accordance with 1969 PA 306, MCL 24.201 et seq.

History: 1979 AC; 2003 AACCS.

R 323.1180 Department requests; hearings; determinations.

Rule 180. The department may request the reduction or removal of a constituent or chemical by a person if the department believes that the use of the constituent or chemical in a cleaning agent or water conditioner, under conditions of intended or probable use, is likely to cause a water pollution or public health problem. The department may issue an order of determination regulating or banning the product or constituent after hearing held in accordance with 1969 PA 306, MCL 24.201 et seq., unless procedure is otherwise prescribed in this part, if voluntary reduction or removal is not accomplished as requested.

History: 1979 AC; 2003 AACCS.

R 323.1181 Hearings, notices and appearances.

Rule 181. (1) When the department determines that a restriction on the nutrient content or other constituent of a cleaning agent or water conditioner is necessary to abate or prevent injury defined in sections 3 and 4 of 1994 PA 451, MCL 324.3903 and 324.3904, the department shall notify the person affected by certified mail and set a date for a hearing on the facts and proposed action. The hearing shall be held in accordance with 1969 PA 306, MCL 24.201 et seq.

(2) An appearance at a hearing shall be made in person by a duly authorized agent or by counsel.

History: 1979 AC; 2003 AACCS.