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CONSERVATION AND NATURAL RESOURCES

Georgia Water Quality Control Act: Authorize Mandated Sale of Low Phosphorus Detergents

CODE SECTION: O.C.G.A. § 12-5-27.1 (new)
BILL NUMBER: HB 719
ACT NUMBER: 386
SUMMARY: The Act authorizes local governmental entities in Georgia to mandate that retailers sell only low phosphorus household laundry detergents under certain circumstances. The Act provides for local ordinances and the contents of such ordinances.
EFFECTIVE DATE: July 1, 1989

History

The phosphorus content of Georgia's rivers is a major concern to the residents of Georgia for at least two well-publicized reasons. First, high phosphorus content in the Chattahoochee River destroys the quality of the river's water.¹ Phosphorus content in the water of a stream, river, or lake fosters the growth of algae which reduces the oxygen supply in the water.² West Point Lake, a twenty-six thousand acre reservoir on the Chattahoochee River downstream from Atlanta, has suffered from such oxygen depletion in recent years.³ Second, the removal of phosphorus sludge from the Chattahoochee River costs the City of Atlanta sixty million dollars each year.⁴ HB 719 was introduced to save money spent by the city to remove phosphorus sludge and to reduce the phosphorus content in the river by an estimated forty to forty-five percent.⁵ Ten states and the District of Columbia have banned the sale of laundry detergents containing phosphorus within their borders.⁶

1. Telephone interview with Representative Wade Milam, House District No. 81 (Mar. 31, 1989) [hereinafter Milam Interview].

2. Corvette, *Fulton Bans Phosphate Detergents*, Atlanta Const., Apr. 20, 1989, at A1, col. 1.

3. *Id.*

4. Milam Interview, *supra* note 1.

5. *Id.*

6. *Id.*

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The Act adds section 12-5-27.1 to the Georgia Water Quality Control Act.⁷ As introduced, the bill would have made unlawful the retail sale of any cleaning agent which contains in excess of 0.5% phosphorus by weight.⁸ The original version also defined a cleaning agent as "any laundry detergent, laundry additive, dishwashing compound, cleanser, household cleaner, metal cleaner, degreasing compound, commercial cleaner, industrial cleaner, phosphate compound, or other substance intended to be used for cleaning purposes."⁹ The original bill made the selling of a cleaning agent containing more than 0.5% phosphorus by weight a misdemeanor.¹⁰

The Senate Committee on Natural Resources offered a substitute to HB 719¹¹ which was adopted by both the House and the Senate.¹² The committee version required a local governmental entity to consider the retail sale of low phosphorus household laundry detergents within its jurisdiction whenever the Environmental Protection Division of the Department of Natural Resources requires the local entity to reduce phosphorus in its wastewater discharge.¹³ Upon approval of its overall plan by the Department of Natural Resources, local governmental entities are also required to mandate the retail sale of low phosphorus household laundry detergent when such a mandate is shown to be a cost-effective component of its phosphorus reduction plan.¹⁴ This local government mandate must consist of a local ordinance which places a limit of 0.5% phosphorus by weight allowed in household laundry detergents and which becomes effective within six months of passage.¹⁵

The Act attracted little opposition.¹⁶ Detergent industry officials helped formulate the bill.¹⁷ The Act gives local governments the discretion to develop a systematic plan for dealing with phosphorus level reduction in their respective jurisdictions.¹⁸ These changes in Georgia water quality law are designed to save the taxpayers of Georgia money spent

7. O.C.G.A. §§ 12-5-20 to -53 (1988).

8. HB 719, as introduced, 1989 Ga. Gen. Assem. A phosphorus content level of 0.5% by weight is so low as to be considered nonphosphorus. Milam Interview, *supra* note 1.

9. HB 719, as introduced, 1989 Ga. Gen. Assem.

10. *Id.*

11. HB 719 (SCS), 1989 Ga. Gen. Assem.

12. Final Composite Status Sheet, Mar. 15, 1989.

13. O.C.G.A. § 12-5-27.1 (Supp. 1989).

14. *Id.*

15. *Id.*

16. Corvette, *supra* note 2.

17. *Id.*

18. Milam Interview, *supra* note 1.

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for water treatment and to improve the water quality of the
Chattahoochee River.¹⁹

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19. *Id.*