

CHAPTER 7100
MINNESOTA POLLUTION CONTROL AGENCY
CLEANING AGENTS AND WATER CONDITIONERS

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7100.0150 POLICY AND PURPOSE.

The official policy and purpose of the state of Minnesota in regard to these matters is set forth in Minnesota Statutes 1971, sections 116.21 to 116.35, which are stated in part as follows:

"Section 116.21. Nutrients in cleaning agents and water conditioners, control; statement of policy.

The legislature seeks to encourage the Minnesota Pollution Control Agency through the passage of sections 116.21 to 116.35, to set standards limiting the amount of nutrients in various cleaning agents and water conditioning agents. The legislature realizes that the nutrients contained in many of these products serve a valuable purpose in increasing their overall effectiveness, but we are also aware that they overstimulate the growth of aquatic life and eventually lead to an acceleration of the natural eutrophication process of our state's waters. Limitations imposed under sections 116.21 to 116.35 should, however, be made taking the following factors into consideration:

- (1) The availability of safe, nonpolluting and effective substitutes.
- (2) The difference in the mineral content of water in various parts of the state.
- (3) The differing needs of industrial, commercial, and household users of cleaning agents and chemical water conditioners.

Section 116.24. Regulations.

The Pollution Control Agency may make regulations:

- (a) Prescribing, for the purpose of section 116.23, nutrients and the maximum permissible concentration, if any, of a prescribed nutrient in any cleaning agent or chemical water conditioner;
- (b) Respecting the manner in which the concentration of any prescribed nutrient in a cleaning agent or chemical water conditioner shall be determined; and
- (c) Requiring persons who manufacture in Minnesota any cleaning agent or chemical water conditioner to maintain books and records necessary for the proper enforcement of sections 116.21 to 116.35 and regulations thereunder, and to submit samples of cleaning agents or water conditioners to the Pollution Control Agency."

Statutory Authority: *MS s 116.24*

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7100.0160 SCOPE.

The following controls, prohibitions, or restrictions hereby adopted and established shall apply to all ingredients of cleaning agents and chemical water conditioners distributed, sold, offered, or exposed for sale in the state of Minnesota within the scope of parts 7100.0150 to 7100.0240.

Statutory Authority: *MS s 116.24*

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7100.0170 PROHIBITION.

No person shall sell, offer, expose for sale, or distribute for use in Minnesota any cleaning agent or chemical water conditioner which contains a prescribed nutrient in a concentration that is greater than the prescribed maximum permissible concentration of that nutrient in that cleaning agent or chemical water conditioner.

Statutory Authority: *MS s 116.24*

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7100.0180 SEVERABILITY.

The provisions of this rule shall be severable, and the validity of any lettered paragraph or any subparagraph or subdivision thereof shall not make void any other lettered paragraph, subparagraph, subdivision, or any other part thereof.

Statutory Authority: *MS s 116.24*

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7100.0190 DEFINITIONS.

Subpart 1. **Scope.** For purposes of parts 7100.0150 to 7100.0240, the terms defined in this part shall have the meanings given them.

Subp. 2. **Chemical water conditioner.** "Chemical water conditioner" means a water softening chemical, antiscaling chemical, corrosion inhibitor, or other substance intended to be used to treat water.

Subp. 3. **Cleaning agent.** "Cleaning agent" means a heavy duty laundry detergent, laundry additive, dishwashing compound, household cleaner, industrial cleaner, phosphate compound, or other substance intended to be used for cleaning purposes.

Subp. 4. **Dishwashing machine.** "Dishwashing machine" 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 temperature.

Subp. 5. **Nutrient.** "Nutrient" means a substance or combination of substances which, if added to waters in sufficient quantities, provide nourishment that promotes growth of aquatic vegetation in densities which:

A. interfere with use of the waters by humans or by any animal, fish, or plant useful to humans;
or

B. contribute to degradation or alteration of the quality of the waters to an extent detrimental to their use by humans or by any animal, fish, or plant that is useful to humans.

Subp. 6. **Other terms and abbreviations.** Other terms and abbreviations used herein not specifically defined in the law shall be construed in conformance within the context and professional usage.

Statutory Authority: *MS s 116.24*

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7100.0200 PRESCRIBED NUTRIENT.

Phosphorus, as elemental phosphorus, is prescribed as a nutrient for the purpose of parts 7100.0150 to 7100.0240 pursuant to Minnesota Statutes, section 116.23.

Statutory Authority: *MS s 116.24*

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7100.0210 NUTRIENT LIMITATION.

After January 1, 1977, the maximum permissible concentrations of the prescribed nutrient in the below listed cleaning agents or chemical water conditioners shall be as follows:

A. laundry detergents and built soaps for machine laundry excluding chemical water conditioners: not to exceed 0.5 percent phosphorus, by weight;

B. household and commercial detergents for machine dishwashing: not to exceed 11 percent phosphorus, by weight;

C. all household cleaning agents except those listed in items A and B intended to be used in the home: not to exceed 0.5 percent phosphorus, by weight; and

D. chemical water conditioners for machine laundry use: not to exceed 20 percent phosphorus, by weight.

Statutory Authority: *MS s 116.24*

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7100.0220 EXCEPTIONS.

The amounts of phosphorus permissible in all cleaning agents and chemical water conditioners other than those identified in part 7100.0210 are not limited by parts 7100.0150 to 7100.0240.

Statutory Authority: *MS s 116.24*

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7100.0230 DETERMINATION OF CONCENTRATION BY WEIGHT.

The concentration by weight of prescribed nutrient in any cleaning agent or chemical water conditioner shall be determined by the current applicable method prescribed by the American Society for Testing and Materials (A.S.T.M.).

Statutory Authority: *MS s 116.24*

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7100.0240 VARIANCE.

In any case where, upon application of the responsible person or persons, the agency finds that by reason of exceptional circumstances the strict enforcement of any provision of parts 7100.0150 to 7100.0240 would cause undue hardship; that the use of cleaning or water conditioning agents containing phosphorus in excess of the permissible levels set forth herein is necessary for the public health, safety, or welfare;

or that strict conformities with these limits would be unreasonable, impractical, or not feasible under the circumstances, the agency in its discretion may permit a variance therefrom upon such conditions as it may prescribe for prevention, control, or abatement of pollution in harmony with the general purpose of parts 7100.0150 to 7100.0240 and the intent of applicable state and national laws.

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