

PL 12-66



GOV. COMM. 12-181
(HOUSE)

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Pedro P. Tenorio
Governor

Jesus R. Sablan
Lt. Governor

Caller Box 10007
Saipan, MP 96950
Telephone: (670) 664-2200
Fax: (670) 664-2211

The Honorable Benigno R. Fitiaf
Speaker, House of Representatives
Twelfth Northern Marianas
Commonwealth Legislature
Saipan, MP 96950

OCT 19 2001

and

The Honorable Paul A. Manglona
Senate President
Twelfth Northern Marianas
Commonwealth Legislature
Saipan, MP 96950

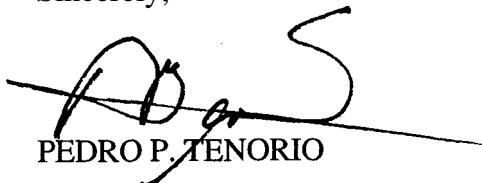
Dear Mr. Speaker and Mr. President:

This is to inform you that I have signed into law House Bill No. 12-167, CS1, entitled, "Prohibiting the sale, manufacturing, distribution or use of certain cleaning agents containing phosphates; conferring powers and duties on the Division of Environmental Quality; and providing penalties; and for other purposes," which was passed by the Twelfth Northern Marianas Commonwealth Legislature.

Although, this bill is signed into law, the Division of Environmental Quality (DEQ) would like to offer modification for further improvement of the bill. Therefore, by copy of this letter, I am urging the Acting Director of DEQ to meet and work with the legislators to address all appropriate changes to the legislation.

This bill becomes **Public Law No. 12-66**. Copies bearing my signature are forwarded for your reference.

Sincerely,


PEDRO P. TENORIO

CC: Acting Director, Division of Environmental Quality
Special Assistant for Programs & Legislative Review
Secretary of Finance



HOUSE OF REPRESENTATIVES

Twelfth Northern Marianas Commonwealth Legislature

PUBLIC LAW NO. 12-66
HOUSE BILL NO. 12-167, CS1

AN ACT

Prohibiting the sale, manufacturing, distribution or use of certain cleaning agents containing phosphates; conferring powers and duties on the Division of Environmental Quality; and providing penalties; and for other purposes.

Offered by Representative(s): Rosiky F. Camacho,
Oscar M. Babauta, Antonio M. Camacho, Brigida DLG. Ichihara, and
Maria "Malua" T. Peter

Date: April 25, 2000

HOUSE ACTION

Referred to: Committee on Health and Welfare

Standing Committee Report: 12-233

First Reading: June 12, 2001

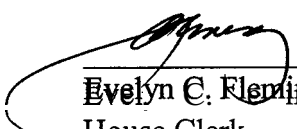
Second Reading: June 20, 2001

SENATE ACTION

Referred to: Committee on Health, Education, Welfare and Programs

Standing Committee Report: None

Final Reading: August 30, 2001


Evelyn C. Fleming
House Clerk

Recd 9/11/01

TWELFTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE

SECOND SPECIAL SESSION, 2000

PUBLIC LAW NO. 12-66
H. B. NO. 12-167, CS1

AN ACT

Prohibiting the sale, manufacturing, distribution or use of certain cleaning agents containing phosphates; conferring powers and duties on the Division of Environmental Quality; and providing penalties; and for other purposes.

**BE IT ENACTED BY THE TWELFTH NORTHERN MARIANAS
COMMONWEALTH LEGISLATURE:**

Section 1. Short Title. This act shall be known and may be cited as the Phosphate Detergent Act.

Section 2. Findings. The Legislature finds that detergent products containing phosphates are causing nutrient overloading, leading to potential eutrophication of the coastal waters of the CNMI, which in turn leads to destruction of the coral reefs and the habitat they provide for many marine organisms.

Section 3. Prohibition on Certain Cleaning Agents. Except as provided in Section 4, a person may not use, sell, manufacture or distribute for use or sale within the CNMI any cleaning agent that contains any phosphates, expressed as elemental phosphorus.

Section 4. Exclusions and Exceptions.

(a) Exclusions. — This act shall not apply to a cleaning agent that is:

- (1) used in hospitals, health care facilities, veterinary hospitals or clinics;
- (2) used in agricultural production;
- (3) used in any laboratory (Biological, chemical, engineering laboratories or research facility).

(b) Exceptions. — For manufacturing purposes, the allowable amount shall not exceed .5% phosphorous. A person may use, sell, manufacture or distribute for use or sale a cleaning agent that contains phosphorus by weight, if it is:

- (1) A detergent used for any household purposes.

(2) A substance, the Division of Environmental Quality, by regulation, excluded from the phosphorous limitation contained in Section 3 based on a finding that compliance with this act would:

- (i) create a significant hardship on the user; or
- (ii) be unreasonable because of the lack of an adequate substitute-cleaning agent.

Section 5. Regulatory Authority. The Division of Environmental Quality shall adopt regulations to implement the provisions of this act.

Section 6. Administration. Enforcement — It shall be the power and duty of the Division of Environmental Quality to administer and enforce the provisions of this Act, and the division shall have the authority to issue such orders as are necessary to effectuate the same.

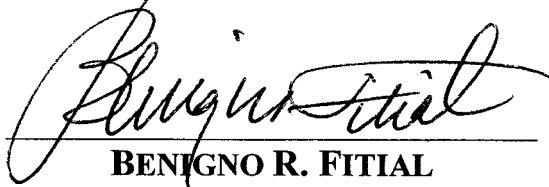
Section 7. Penalties. Use, sells, distributes or manufactures — Any person who uses sells, distributes or manufactures a cleaning agent in violation of the Act commits a summary offense and shall, upon conviction, be sentenced to pay a fine of not more than \$25,000 for each day of the continuance of the violation, as stated and contained in the *Commonwealth Environmental Amendments Act of 1999, H. B. 11-358, Section 3: § 3131(c)*. Enforcement discretion will be exercised after six (6) months of public/business education and awareness training is sponsored by the regulatory body.

Section 8. Severability. If any provision of this Act or the application of any such provision to any person or circumstance should be held invalid by a court of competent jurisdiction, the remainder of this Act or the application of its provisions to persons or circumstances other than those to which it is held invalid shall not be affected thereby.

Section 9. Savings Clause. This Act and any repealer contained herein shall not be construed as affecting any existing right acquired under contract or acquired under statutes repealed or under any rule, regulation or order adopted under the statutes. Repealers contained in this Act shall not affect any proceeding instituted under or pursuant to prior law. The enactment of this Act shall not have the effect of terminating, or in any way modifying, any liability civil or criminal, which shall already be in existence at the date this Act becomes effective.

1 **Section 10. Effective Date.** This Act shall take effect upon its approval by the
2 Governor or upon its becoming law without such approval.

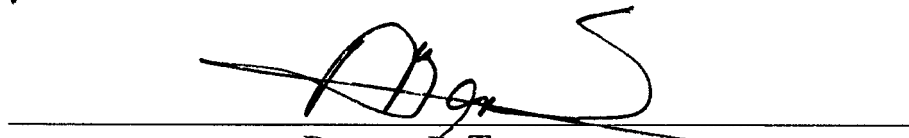
CERTIFIED BY:


BENIGNO R. FITIAL
SPEAKER OF THE HOUSE

ATTESTED TO BY:


EVELYN C. FLEMING
HOUSE CLERK

Approved this 19th day of October, 2001


PEDRO P. TENORIO
GOVERNOR
COMMONWEALTH OF THE NORTHERN MARIA ISLANDS