

STATE OF NEW YORK : DEPARTMENT OF ENVIRONMENTAL CONSERVATION

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In the Matter of a Petition for a Declaratory Ruling Pursuant to Part 619 of Title 6 of the Official Compilation of Codes, Rules and Regulations of the State of New York, submitted by

EARL GRISSMER COMPANY, INC.
Indianapolis, Indiana,

DECLARATORY
RULING 35-01
NO. 1977-1

Petitioner

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WHEREAS:

1. Pursuant to Part 619 of Title 6 of the Official Compilation of Codes, Rules and Regulations of the State of New York (hereinafter referred to by Part number only), Petitioner has submitted a petition for a declaratory ruling, a copy of which is attached hereto, and
2. The petition requests a ruling as to whether Blue Lustre Dirt Buster Cleaner, a product manufactured and marketed by Petitioner, is a "household cleansing product" within the meaning of Part 659.1(a) and Section 35-0103(1) of the Environmental Conservation Law, and
3. The petition and promotional material for the product indicate that Blue Lustre Dirt Buster Cleaner is suitable for a variety of domestic, agricultural, and commercial cleaning purposes, and
4. Market testing by Petitioner indicated that over 90% of consumers used the product to clean the exteriors of homes, and
5. Part 659.1(a) and Section 35-0103(1) of the Environmental conservation Law define a "household cleansing product" as a product containing a surfactant as a wetting or dirt emulsifying agent and used primarily for domestic or commercial cleaning purposes, and

6. Neither Part 659.1(a) nor Section 35-0103(1) makes any exception for products used exclusively or principally outdoors, and

7. The legislative purpose of Part 659 and Article 35 of the Environmental Conservation Law -- the reduction of phosphate levels in the waters of the State of New York -- is best achieved by curtailing use of cleansing products containing phosphorous, whether such use is indoors or outdoors,

NOW, being duly advised and having considered this matter, IT IS DECLARED AND RULED THAT Blue Lustre Dirt Buster Cleaner is a "household cleansing product" within the meaning of Part 659.1(a) and Section 35-0103(1) of the Environmental Conservation Law.

DATED: 11/77



LANGDON MARSH

First Deputy Commissioner