

Sec. 22a-462-2. Banning of detergents

(a) If the Commissioner determines that the use of any detergent in an area of the state is resulting in pollution of the waters of the state or can reasonably be expected to result in pollution of the waters of the state or is a significant factor in the accelerated eutrophication of a lake, pond, or other body of water in the state, he shall notify the manufacturer of the detergent and the chief executive officer of each municipality in the affected area of his intent to ban the detergent in that area. Such notice shall be sent by certified mail, return receipt requested, and shall (1) conform to the requirements of subsection (d) of this section, (2) state that the manufacturer or municipality may request a hearing within thirty days from the date the notice was issued, and (3) be published in a newspaper of general circulation in the area affected.

(b) Any person aggrieved by a proposal to ban a detergent pursuant to Section 22a-461 of the General Statutes may, within thirty days from the date the notice of intent is issued, request a hearing. The Commissioner shall hold a hearing if so requested. After the hearing the Commissioner shall consider all information presented, including but not limited to information related to technical feasibility, the chemical content of the product(s) to be banned, or a proposal to reformulate the detergent to omit the ingredient which is causing or adding to the pollution or accelerated eutrophication to comply with Section 22a-460 through 22a-462 inclusive of the General Statutes. The Commissioner shall inform the manufacturer and all parties to the hearing by certified mail, return receipt requested, that the notice of intent has been affirmed, affirmed as revised in accordance with information received, or rescinded.

(c) If no request for a hearing is received as provided for in subsection (b) of this section, or if after a hearing the Commissioner affirms his notice of intent to ban or affirms it as revised, a notice of the banning of the detergent shall be sent to the manufacturer by certified mail, return receipt requested, and mailed to all known distributors. Notice shall subsequently be published in a newspaper of general circulation in the area affected by the ban. Each notice shall conform to the requirements of subsection (d) of this section. The ban shall be effective as of the date of newspaper publication.

(d) Each notice required by these regulations shall include but need not be limited to the following:

- (1) the name of the detergent to be banned,
- (2) the ingredient of the detergent which is causing or adding to the pollution or accelerated eutrophication,
- (3) a description of the area in which the detergent will be banned,
- (4) the statutory authority for the ban,
- (5) the reason for the ban,
- (6) the actions which constitute a violation of the ban,
- (7) the penalty for violation of the ban, and
- (8) a statement that the ban is effective upon publication in a newspaper of general circulation in the area affected.

(Effective May 21, 1984)