

Reckitt Benckiser LLC

Director's Final Findings and Orders

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2. Respondent is the distributor in Ohio of Finish Glass Magic, which functions as a water softener, in that it removes calcium and magnesium ions from water.
3. Finish Glass Magic, which contains among other ingredients sodium tripolyphosphate, has a phosphorus content of not more than 21% phosphorous in the form of phosphates.
4. ORC § 6111.11 provides that:

On and after July 1, 2010, no person shall sell, offer for sale, or distribute for sale a cleanser, rinsing aid, sanitizing agent, or detergent that is intended primarily for use in an automatic or machine dishwasher and that contains phosphorus in any form in excess of one-half per cent by weight expressed as elemental phosphorus.
5. Respondent by its distribution for sale of a dishwasher product that is intended primarily for use in an automatic or machine dishwasher and that contains phosphorus in any form in excess of one-half per cent by weight expressed as elemental phosphorus has and is continuing to violate ORC § 6111.11.
6. ORC § 6111.03(H) provides in relevant part that the Director may issue, modify, or revoke orders to prevent, control, or abate water pollution.
7. In the issuance of Orders under ORC § 6111.0(H), the Director, in relevant part, is to give consideration to, and base the determination on, evidence relating to the technical feasibility and economic reasonableness of complying with those orders and to evidence relating to conditions calculated to result from compliance with those orders, and their relation to benefits to the people of the state to be derived from such compliance in accomplishing the purposes of this chapter.
8. The people of the state of Ohio and the waters of the state will benefit from a resolution of this action and the compliance of Respondent with ORC § 6111.11.
9. The Director has given consideration to, and based his determination on, evidence relating to the technical feasibility and economic reasonableness of complying with these Orders and to evidence relating to conditions calculated to result from compliance with these Orders, and its relation to the benefits to the people of the State to be derived from such compliance in accomplishing the purpose of ORC Chapter 6111.
10. ORC § 6111.03(O) authorizes the Director to exercise all incidental powers necessary to carry out the purposes of this chapter.

V. ORDERS

Respondent shall on or before December 31, 2012:

1. Cease further distribution in Ohio of Finish Glass Magic that contains phosphorus in any form in excess of one-half per cent by weight expressed as elemental phosphorus; and
2. Provide written notice to Mark Mann, Environmental Manager, Storm Water and Enforcement Section, or his successor, at the address provided below, of compliance with Order No. 1.

Ohio EPA
Division of Surface Water
P.O. Box 1049
Columbus, OH 43216-1049

VI. TERMINATION

Respondent's obligations under these Orders shall terminate when Respondent certifies in writing and demonstrate to the satisfaction of Ohio EPA that Respondent has performed all obligations under these Orders and the Chief of Ohio EPA's Division of Surface Water acknowledges, in writing, the termination of these Orders. If Ohio EPA does not agree that all obligations have been performed, then Ohio EPA will notify Respondent of the obligations that have not been performed, in which case Respondent shall have an opportunity to address any such deficiencies and seek termination as described above.

The certification shall contain the following attestation: "I certify that the information contained in or accompanying this certification is true, accurate and complete."

This certification shall be submitted by Respondent to Ohio EPA and shall be signed as specified in OAC Rule 3745-33-03(F), or by a person with a delegation of authority to sign from such specified person.

VII. OTHER CLAIMS

Nothing in these Orders shall constitute or be construed as a release from any claim, cause of action or demand in law or equity against any person, firm, partnership or corporation, not a party to these Orders, for any liability arising from, or related to activities described herein.

VIII. OTHER APPLICABLE LAWS

All actions required to be taken pursuant to these Orders shall be undertaken in accordance with the requirements of all applicable local, state and federal laws and regulations. These Orders do not waive or compromise the applicability and enforcement of any other statutes or regulations applicable to Respondent.

IX. MODIFICATIONS

These Orders may be modified by agreement of the parties hereto. Modifications shall be in writing and shall be effective on the date entered in the journal of the Director of Ohio EPA.

X. NOTICE

Unless otherwise specified herein, all documents required to be submitted by Respondent pursuant to these Orders shall be addressed to:

Ohio EPA
Division of Surface Water
P.O. Box 1049
Columbus, OH 43216-1049

XI. RESERVATION OF RIGHTS

Ohio EPA and Respondent each reserve all rights, privileges and causes of action, except as specifically waived in Section XII of these Orders.

XII. WAIVER

In order to resolve disputed claims, without admission of fact, violation or liability, and in lieu of further enforcement action by Ohio EPA for only the violations specifically cited in these Orders, Respondent consents to the issuance of these Orders and agrees to comply with these Orders. Compliance with these Orders shall be a full accord and satisfaction for Respondent's liability for the violations specifically cited herein.

Respondent hereby waives the right to appeal the issuance, terms and conditions, and service of these Orders and Respondent hereby waives any and all rights Respondent may have to seek administrative or judicial review of these Orders either in law or equity.

Notwithstanding the preceding, Ohio EPA and Respondent agree that if these Orders are appealed by any other party to the Environmental Review Appeals Commission, or any court, Respondent retains the right to intervene and participate in such appeal. In such an event, Respondent shall continue to comply with these Orders notwithstanding such appeal and intervention unless these Orders are stayed, vacated or modified.

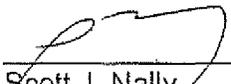
XIII. EFFECTIVE DATE

The effective date of these Orders is the date these Orders are entered into the Ohio EPA Director's journal.

XIV. SIGNATORY AUTHORITY

Each undersigned representative of a party to these Orders certifies that he or she is fully authorized to enter into these Orders and to legally bind such party to these Orders.

IT IS SO ORDERED AND AGREED:
Ohio Environmental Protection Agency



Scott J. Nally
Director

10/4/11

Date

IT IS SO AGREED:
Reckitt Benckiser LLC



By
MARKUS HARTMANN

Printed or Typed Name
VP & General Counsel

Title

16 Sep 2011

Date