

HB 2344 -1, -2 STAFF MEASURE SUMMARY

House Committee On Water

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Meeting Dates: 2/9, 3/23

WHAT THE MEASURE DOES:

Requires persons responsible for labeling or packaging disposable cleaning wipes or similar products to comply with certain labeling requirements for product packaging. Requires label notice to meet high contrast specifications and to display the phrase “Do Not Flush” at a size equal to at least 2 percent of the principal display surface area. For cylindrical or similar packaging, requires label notice and “Do Not Flush” symbol to be placed on principal display panel in a location that can be viewed each time a wipe is dispensed; or symbol placed on principal display panel and either the symbol or label notice, or symbol and label notice together, placed on the flip lid to cover a minimum of eight percent of the lid surface area. For flexible film packaging, requires “Do Not Flush” symbol to be placed on principal display panel and dispensing side panel, and label notice to be placed on either the principal display panel or dispensing side panel to be viewed each time a wipe is dispensed. For other packaging, intended either to dispense individual wipes or not, requires label notice and symbol be placed on principal display panel in reasonably visible location where packaging seams, folds, or other design elements do not obscure symbol or label notice. For products sold in bulk, requires both outer package and individual packages contained to comply with labeling requirements, except when individual packages contained are not intended to dispense individual wipes and contain no retail labeling, or when outer packages do not obscure symbol and label notice on individual packages. Prohibits covered entity from making any representation about flushable attributes, benefits, performance, or efficacy of product. Where necessary, requires covered entity to submit compliant label to the U.S. Environmental Protection Agency and, upon its approval, to the State Department of Agriculture, and implement approved label on products manufactured six months or more after label is approved. Establishes that provisions of Act supersede and preempt local regulation governing labeling requirements for covered products. Establishes failure to comply with labeling requirements as violation of the Unlawful Trade Practices Act. Establishes labeling requirements become operative July 1, 2022. Defines terms.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

-1 Clarifies measurement of surface area of the principal display panel for a cylindrical or similar packaging. Changes date requirement for submitting compliant label from January 1, 2022 to January 1, 2023.

-2 Directs covered entity, within 90 days of receiving request from a local government entity that provides wastewater service, to submit written information and documentation demonstrating compliance with labeling requirements. Provides local government entity with authority to enforce compliance with labeling requirements and authorizes local government entity to bring action to recover a civil penalty if, after receiving a notice of violation, covered entity sells, or displays for sale, a product package that does not comply with labeling requirements. Allows local government entity to bring action to recover the following: a civil penalty of no more than \$2,000 for a first violation occurring between 90 and 120 days after date of notice; an additional civil penalty of no more than \$5,000 for a second violation or for a first violation continuing more than 120 days after date of notice; and an additional civil penalty of no more than \$10,000 for a third and any subsequent violation, or for a first violation continuing during any part of each 30-day period following the first 120 days after date of notice. Requires covered entity to pay civil penalty, as well as any reasonable enforcement costs and attorney fees, to the local government entity that brought forth the action.

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FISCAL: May have fiscal impact, but no statement yet issued.

REVENUE: No impact.

BACKGROUND:

Disposable wipes made for childcare, hand washing, personal cleaning, makeup removal, and household cleaning are typically made of materials such as polyester, polypropylene, cotton, or rayon fibers. Plumbing, water works, and waste treatment plants find that these materials do not break down in water and frequently create clogged pipes. Disposable wipe packages often dispense individual wipes, typically moistened with water and other cleansing agents. The quality and content of many wipes are regulated at the federal level. For example, wipes intended to control germs on surfaces are regulated by the U.S. Environmental Protection Agency.

Nonwoven wipes industry associations have published Guidelines for Assessing the Flushability of Disposable Nonwoven Products (2018) and a labeling Code of Practice (2017). Based on these guidelines, Washington enacted House Bill 2565 in March 2020, becoming the first state with a wipes packaging label law requiring a “Do Not Flush” logo on non-flushable wipes packaging.

HB 2344 would require manufacturers, wholesalers, or retailers who sell single use wipes to label such products as “non-flushable” in a prominent font.