

Date of Hearing: May 8, 2019

ASSEMBLY COMMITTEE ON APPROPRIATIONS

Lorena Gonzalez, Chair

AB 1672 (Bloom) – As Amended April 25, 2019

Policy Committee:	Environmental Safety and Toxic Materials	Vote:	6 - 3
	Judiciary		9 - 2

Urgency: No      State Mandated Local Program: No      Reimbursable: No

**SUMMARY:**

This bill establishes performance and labeling standards for flushable wipes and provides for the imposition of civil penalties on parties failing to conform to those standards. Specifically, this bill:

- 1) Provides that on and after January 1, 2021, a covered entity, as defined, shall not label a covered product as safe to flush, safe for sewer systems or safe for septic systems, unless the product is a flushable wipe.
- 2) Requires, on and after January 1, 2021, a covered entity to test and maintain self-certification records that verify that its covered products meet the performance standards and comply with the labeling requirements of this bill.
- 3) Provides that, on and after January 1, 2020, a covered product that does not meet the performance standards shall be labeled clearly and conspicuously in adherence with the labeling requirements to communicate it should not be flushed, and this label shall be in a high-contrast font and color respective to the surrounding wording and space on the packaging and shall be in a location that is visible when individual wipes are dispensed from the product packaging.
- 4) Provides that a person who violates the provisions of the bill may be enjoined and subject to a civil penalty not to exceed \$2,500 for each violation
- 5) Provides that the provisions of the bill may be enforced by the Attorney General, by a district attorney, by a city attorney or by a city prosecutor in a city or city and county having a full-time city prosecutor.
- 6) Provides that any civil penalties collected pursuant to this section shall be paid to the office of the city attorney, city prosecutor, district attorney or Attorney General, whichever office brought the action, and that any penalty collected by the Attorney General shall be deposited into the Unfair Competition Law Fund.
- 7) Provides the provisions of this bill are severable.

**FISCAL EFFECT:**

Unknown costs for the Attorney General to enforce this bill, presumably significantly over \$150,000 annually, partially offset by penalty revenue.

**COMMENTS:**1) **Purpose.** According to the author:

When wet wipes products are flushed into the sewer system they can cause significant issues for private property owners, sewer collection systems, and wastewater treatment plants. Wet products that do not break down can catch on tree roots or other obstructions in residential sewer laterals and cause costly and dangerous backups for property owners. Wet wipes have been shown to cause significant damage to residential septic systems, resulting in expensive repairs and remediation for homeowners.

2) **Support and Opposition.** There is general consensus that products that are poorly designed or not intended to be flushed down the toilet cause sewer blockages, which damage sewer lines and can lead to costly sanitary sewer overflows and ultimately endanger public health and the environment. However, the difference in positions on this bill is based on differences in preferred standards for flushable wipes. Supporters, including sanitation districts and other agencies managing sewer systems, favor the standard in the bill, which were developed by the International Water Services Flushability Group (IWSFG). Opponents, mainly industry, support the standard developed by the Association for the Nonwoven Fabrics Industry (INDA) and the European Disposables and Nonwovens Association (EDANA) as it appears in their fourth Guidance Document (GD4).

The California Association of Sanitation Agencies (CASA), which represents more than one hundred public agencies that engage in the collection, treatment or disposal of wastewater, resource recovery or water recycling, states that the IWSFG standard is more stringent and will result in fewer wipes adding to backups and clogs.

A coalition of industry and flushable wipe product producers contend the IWSFG standard is not peer-reviewed nor used anywhere else and would prevent some forms of toilet paper from being sold. The coalition further questions the contribution flushable wipes make in sewer blockages based on a previous, although limited, forensic study.

The author and committee may wish to consider whether an appropriate regulatory entity, such as the State Water Resources Control Board, should set the flushability standard through regulation.