

(Without Reference to File)

ASSEMBLY THIRD READING

AB 1672 (Bloom)

As Amended January 23, 2020

Majority vote

SUMMARY:

Requires labels indicating that a product should not be flushed on specified nonwoven disposable products.

Major Provisions

- 1) Defines "covered product" as a nonwoven disposable product that is constructed from nonwoven sheets and designed, marketed, or commonly used for personal hygiene or cleaning purposes, including, but not limited to, diaper wipes, household cleaning wipes, personal care wipes, and facial wipes.
- 2) Establishes labeling requirements as standards contained in the Code of Practice of the Association of the Nonwoven Fabrics Industry and the European Disposables and Nonwovens Association, titled "Communicating Appropriate Disposal Pathways for Nonwoven Wipes to Protect Wastewater Systems, second edition."
- 3) Requires all covered products, by January 1, 2021, to be clearly labeled in adherence with the labeling requirements to communicate that it should not be flushed, and prescribes font and color specifications for the label. Provides that a manufacturer that began manufacturing a covered product on or before December 31, 2020, shall comply with the labeling requirements no later than January 1, 2022.
- 4) Provides that enforcement actions may be brought 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. Provides that a manufacturer found in violation of the non-flushable labeling requirements may be liable for a civil penalty not to exceed \$2,500 for each violation.

COMMENTS:

What does it mean to be "flushable"? An increasingly diverse range of disposable products has become available for consumer use. The growth of the market for such products is evidence of their popularity with the public, but their increased use brings with it discussion about their disposal, especially the topic of flushability. For disposable products that address public health and hygiene considerations, consumers often mistakenly use the wastewater system as a preferred means of disposal. These products include disinfectant wipes and baby wipes (which are often confused with "flushable" wipes), feminine hygiene products, diapers, diaper liners, dog waste bags, wash cloths, condoms, and more. While consumer behavior cannot be legislated, legislation can steer manufacturing and labeling in a direction that better informs consumers how to behave. In the case of this bill, the intent is to provide clarification to consumers on wipes that are not suitable for flushing.

Problems with nonflushable products: Products that are poorly designed or are not intended to be flushed down the toilet can cause sewer blockages, which damage sewer lines and can lead to costly sanitary sewer overflows. Sewer system damage and overflows present dangers to public health and the environment. A buildup of nonflushable products has been shown to cause clogs in sewage pumps, lead to entanglements in sewage treatment equipment, lead to sewer backups in residences, and increase the risk of a sanitary sewer overflow during a storm.

Non-flushable labeling: Many of the wipes on the market that are not intended by the manufacturer to be flushable (but often are flushed by consumers) are made of cotton and plastic materials to make the wipes more durable (such as cleaning wipes). To try to address some of the consumer confusion, AB 1672 requires covered products, as defined, to be clearly labeled that it is not flushable per the Association of the Nonwoven Fabrics Industry's labeling requirements, which include a "Do Not Flush" symbol for companies to use on product packaging.

According to the Author:

"AB 1672 presents a straightforward solution to helping combat the aforementioned problems caused by improperly flushing wet wipes. The bill prescribes that for all wipes that are not intended to be flushed, they must be conspicuously marked with 'Do Not Flush' labeling."

Arguments in Support:

None on file for the current version of the bill.

Arguments in Opposition:

None on file for the current version of the bill.

FISCAL COMMENTS:

According to the Assembly Appropriations Committee, enactment of this bill could result in unknown costs for the Attorney General to enforce this bill, presumably significantly more than \$150,000 annually, partially offset by penalty revenue.

VOTES:

ASM ENVIRONMENTAL SAFETY AND TOXIC MATERIALS: 6-3-0

YES: Quirk, Kalra, Bauer-Kahan, Cristina Garcia, Holden, Muratsuchi

NO: Melendez, Dahle, Mathis

ASM JUDICIARY: 9-2-1

YES: Mark Stone, Chau, Chiu, Gonzalez, Holden, Kalra, Maienschein, Petrie-Norris, Reyes

NO: Gallagher, Obernolte

ABS, ABST OR NV: Kiley

ASM APPROPRIATIONS: 13-4-1

YES: Gonzalez, Bloom, Bonta, Calderon, Carrillo, Chau, Eggman, Gabriel, Eduardo Garcia, Maienschein, Petrie-Norris, Quirk, Robert Rivas

NO: Bigelow, Brough, Diep, Fong

ABS, ABST OR NV: Megan Dahle

UPDATED:

VERSION: January 23, 2020

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