



Councilmember Mary M. Cheh

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To prohibit a nonwoven disposable product for sale in the District from being advertised, packaged, or labeled as flushable, sewer safe, and septic safe unless there is competent and reliable scientific evidence to substantiate that the nonwoven disposable product is flushable, sewer safe, and septic safe; to require a nonwoven disposable product for sale in the District that is not flushable, sewer safe, and septic safe to be labeled with “Do Not Flush”; and to authorize the Department of Energy and Environment to issue rules and impose civil fines and penalties for violations.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Nonwoven Disposable Products Act of 2016”.

Sec. 2. Definitions.

For the purposes of this act, the term:

(1) "Advertised" means represented by statement, word, design, device, sound, or any combination thereof in print, broadcast, or electronic media.

(2) “Competent and reliable scientific evidence” means tests, analyses, research, or studies that have been conducted and evaluated in an objective manner by qualified persons operating in and using procedures generally accepted in the wastewater industry to yield accurate and reliable results.

(3) "Flushable, sewer safe, and septic safe" means, with regard to a nonwoven disposable product, a product that is:

35 (A) Able to clear toilets and drainage pipe systems under expected product
36 usage conditions;

37 (B) Compatible with wastewater conveyance, treatment, reuse, and
38 disposal systems without causing blockage, clogging, or other operational problems; and

39 (C) Unrecognizable in effluent leaving on-site and municipal wastewater
40 treatment systems and in digested sludge from wastewater treatment plants that are applied to
41 soil.

42 (4) "Labeled" means represented by statement, word, picture, design or emblem
43 on the packaging of a nonwoven disposable product.

44 (5) "Nonwoven disposable product" means a product constructed from nonwoven
45 sheets, including moist toilet tissue or cloth that is designed, marketed, or commonly used for
46 personal hygiene purposes.

47 Sec. 3. Advertising, packaging, and labeling.

48 (a) After January 1, 2018, a nonwoven disposable product for sale in the District shall not
49 be advertised, packaged, or labeled as flushable, sewer safe, and septic safe unless there is
50 competent and reliable scientific evidence to substantiate that the nonwoven disposable product
51 is flushable, sewer safe, and septic safe.

52 (b) After January 1, 2018, a nonwoven disposable product for sale in the District that is
53 not flushable, sewer safe, and septic safe shall be labeled with the phrase "Do Not Flush".

54 Sec. 4. Rules; enforcement.

55 (a) The Department of Energy and Environment shall, pursuant to Title I of the District of
56 Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C.
57 Official Code § 2-501 *et seq.*), issue rules to implement the provisions of this act.

58 (b) The Department of Energy and Environment may impose civil fines and penalties as
59 sanctions for an infraction of the provisions of this act or any rules issued under the authority of
60 this act, pursuant to the Department of Consumer and Regulatory Affairs Civil Infractions Act of
61 1985, effective October 5, 1985 (D.C. Law 6-42; D.C. Official Code § 2-1801 *et seq.*) (“Civil
62 Infractions Act”). Enforcement and adjudication of an infraction shall be pursuant to the Civil
63 Infractions Act.

64 (c) In addition to the enforcement authority provided to the Mayor under the Civil
65 Infractions Act, the Department of Energy and Environment may seek injunctive relief or other
66 appropriate remedy in any court of competent jurisdiction to enforce compliance with the
67 provisions of this act.

68 (d) Nothing in this act shall apply to:

69 (1) A television or radio broadcasting station, or to any publisher of a newspaper,
70 magazine, or other form of printed advertising, that broadcasts, publishes, or prints an
71 advertisement that features a nonwoven disposable product packaged or labeled as flushable,
72 sewer safe, or septic safe; or

73 (2) A wholesaler or retailer that distributes or sells, but does not package or label,
74 a nonwoven disposable product that is advertised, packaged, or labeled as flushable, sewer safe,
75 and septic safe.

76 Sec. 5. Fiscal impact statement.

77 The Council adopts the fiscal impact statement in the committee report as the fiscal
78 impact statement required by section 4a of the General Legislative Procedures Act of 1975,
79 approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

80 Sec. 6. Effective date.

81 This act shall take effect following approval by the Mayor (or in the event of veto by the
82 Mayor, action by the Council to override the veto), a 30-day period of congressional review as
83 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December
84 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of
85 Columbia Register.