

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

A BILL  
21-833

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA



To prohibit a manufacturer of nonwoven disposable products for sale in the District from advertising or labeling nonwoven disposable products as safe to flush, safe for sewer systems, or safe for septic systems, unless the nonwoven disposable product is flushable, to require a manufacturer of a nonwoven disposable product for sale in the District that is not flushable to label the nonwoven disposable product to communicate that the it should not be flushed, to authorize the Department of Energy and Environment to issue rules to implement the provisions of this act, to authorize the Department of Energy and Environment to issue rules to amend the definition of “flushable”, to give the Mayor the authority to issue civil fines and penalties for violations of this act, and to give the Attorney General the authority to seek injunctive relief for violations of this act.

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) "Advertise" means to represent by statement, word, design, device, sound, or any combination thereof in print, broadcast, or electronic media.

(2) "Flushable" means, until the Department of Energy and Environment issues rules pursuant to section 5(2), a nonwoven disposable product that:

(A) Disperses in a short period of time after flushing in the low-force conditions of a sewer system;

(B) Is not buoyant; and

32 (C) Does not contain plastic or any other material that does not readily  
33 degrade in a range of natural environments.

34 (3) "Label" means to represent by statement, word, picture, design or emblem on  
35 the packaging of a nonwoven disposable product.

36 (4) "Nonwoven disposable product" means a product constructed from nonwoven  
37 sheets, including moist toilet tissue or cloth, that is designed, marketed, or commonly used for  
38 personal hygiene purposes.

39 Sec. 3. Advertising and labeling of nonwoven disposable products.

40 (a) After January 1, 2018, a manufacturer of a nonwoven disposable product for sale in  
41 the District shall not advertise or label the nonwoven disposable product as safe to flush, safe for  
42 sewer systems, or safe for septic systems, unless the nonwoven disposable product is flushable.

43 (b) After January 1, 2018, a manufacturer of a nonwoven disposable product for sale in  
44 the District that is not flushable must clearly and conspicuously label the nonwoven disposable  
45 product to communicate that the nonwoven disposable product should not be flushed.

46 Sec. 4. Enforcement.

47 (a) The Mayor may impose civil fines and penalties as sanctions for violations of the  
48 provisions of this act or any rules issued pursuant to this act, pursuant to the Department of  
49 Consumer and Regulatory Affairs Civil Infractions Act of 1985, effective October 5, 1985 (D.C.  
50 Law 6-42; D.C. Official Code § 2-1801.01 *et seq.*) ("Civil Infractions Act"). Enforcement and  
51 adjudication of an infraction shall be pursuant to the Civil Infractions Act.

52 (b) In addition to the enforcement authority provided in subsection (a) of this section, the  
53 Attorney General may seek injunctive relief or other appropriate remedy in any court of  
54 competent jurisdiction to enforce compliance with this act.

55 Sec. 5. Rules.

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

59 (1) Shall issue rules to implement the provisions of this act; and

60 (2) May issue rules to amend the definition of “flushable” in section 2(2), with the  
61 written consent of the District of Columbia Water and Sewer Authority.

62 (b) Any proposed rules issued under subsection (a)(2) of this section shall be submitted to  
63 the Council for a 45-day period of review, excluding Saturdays, Sundays, legal holidays, and  
64 days of Council recess. If the Council does not approve or disapprove the proposed rules, by  
65 resolution, within the 45-day review period, the proposed rules shall be deemed approved.

66 Sec. 6. Construction.

67 A violation of this act shall not be a violation of Chapter 39 of Title 28 of the District of  
68 Columbia Official Code.

69 Sec. 7. Fiscal impact statement.

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

**ENGROSSED ORIGINAL**

73           Sec. 8. Effective date.

74           This act shall take effect following approval by the Mayor (or in the event of veto by the  
75 Mayor, action by the Council to override the veto), a 30-day period of congressional review as  
76 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December  
77 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of  
78 Columbia Register.