H. R. 117

To require the Administrator of the Environmental Protection Agency to publish a rule that establishes standards for the flushability of disposable nonwoven wipes, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mrs. McClain introduced the following bill; which was referred to the Committee on ___________________________

A BILL

To require the Administrator of the Environmental Protection Agency to publish a rule that establishes standards for the flushability of disposable nonwoven wipes, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Protecting Infrastructure and Promoting Environmental Stewardship Act” or the “PIPEDS Act”.
SEC. 2. FLUSHABILITY OF DISPOSABLE NONWOVEN PRODUCTS.

(a) IN GENERAL.—Not later than 2 years after the date of enactment of this section, the Administrator of the Environmental Protection Agency shall publish a rule in the Federal Register that—

(1) establishes standards for flushability with respect to disposable nonwoven products, based on—

(A) the criteria set forth in the document entitled “Publicly Available Specification (PAS) 1: 2020 Criteria for Recognition as a Flushable Product”, published by the International Water Services Flushability Group and dated December 2020 (or any appropriate successor criteria, as determined by the Administrator), and any relevant voluntary consensus standards, or other standards, determined appropriate by the Administrator; and

(B) consideration of—

(i) the environmental impact of flushing the product, based on the composition of the materials in the product;

(ii) the toilet and drain clearance ability of the product;

(iii) the disintegration of the product;
(iv) how the product settles in the waste system; and

(v) the biodegradation of the product;

and

(2) establishes a process to assess whether a disposable nonwoven product conforms to the standards established under paragraph (1), including a requirement that in order for a disposable nonwoven product to be designated or marked “flushable” or “sewer and septic safe”, or with any other representation that depicts the disposable nonwoven product as suitable for toilet disposal, the manufacturer of the disposable nonwoven product shall—

(A) submit to the Administrator—

(i) documentation demonstrating that the disposable nonwoven product conforms to such standards; and

(ii) a fee in an amount determined appropriate by the Administrator to cover the costs of administering this section; and

(B) make public the documentation submitted pursuant to subparagraph (A)(i).

(b) PRODUCT DESIGNATION OR MARKING.—Beginning on the effective date of the rule published under subsection (a), a covered entity may use the terms “flushable”
or “sewer and septic safe”, or any other representation that depicts a disposable nonwoven product as suitable for toilet disposal, to designate or mark a disposable nonwoven product only if—

(1) the disposable nonwoven product conforms to the standards established under subsection (a)(1); and

(2) the manufacturer of the disposable nonwoven product is in compliance with the process established under subsection (a)(2) with respect to the disposable nonwoven product.

(c) COMPLIANCE.—

(1) IN GENERAL.—The Administrator may, in consultation with the Federal Trade Commission, develop a process to determine whether a covered entity is in compliance with this section, which may include—

(A) a requirement to submit a third-party verification that a disposable nonwoven product conforms to the standards established under subsection (a)(1) if the Administrator determines that the documentation submitted pursuant to subsection (a)(2) is insufficient, or further information is otherwise necessary, to verify such compliance; and
(B) a requirement to submit to the Administrator, upon request, such other information as the Administrator determines necessary to determine such compliance.

(2) CIVIL REMEDIES.—

(A) MONETARY CIVIL PENALTIES.—The Administrator shall impose a monetary civil penalty on any covered entity that violates subsection (b) in an amount that does not exceed—

(i) $25,000 for each day a disposable nonwoven product designated or marked by the covered entity in violation of such subsection is for sale at retail; and

(ii) $500,000 for a single such violation.

(B) ORDERS; INJUNCTIVE RELIEF.—The Administrator may, with respect to any covered entity that violates subsection (b), issue an order to comply, or bring an action in an appropriate United States district court for appropriate injunctive relief.

(d) WEBSITE.—Not later than 1 year after the date of enactment of this section, the Administrator shall—
(1) publish a website to educate the public about the proper use and disposal of disposable nonwoven products, including—

(A) the effects of flushing nonflushable wipes; and

(B) the requirements of this section; and

(2) establish a quick response code to advertise such website.

(e) FUNDING.—There is authorized to be appropriated to the Administrator—

(1) to carry out subsection (a), such sums as may be necessary; and

(2) to administer this section, an amount equal to any amounts collected by the Administrator pursuant to this section.

(f) REPORT.—Not later than 5 years after the effective date of the rule published under subsection (a), the Administrator shall submit to Congress a report on the implementation of this section, which may include recommendations for any changes necessary to improve such implementation.

(g) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term “Administrator” means the Administrator of the Environmental Protection Agency.
(2) COVERED ENTITY.—The term “covered entity” means a manufacturer, wholesaler, supplier, or retailer that is responsible for the labeling or retail packaging of a disposable nonwoven product that is sold or offered for sale in the United States.

(3) DISPOSABLE NONWOVEN PRODUCT.—The term “disposable nonwoven product” means a premoistened, nonwoven disposable wipe that has significant potential to be flushed, as determined by the Administrator.