

117TH CONGRESS
2D SESSION

H. R. 6591

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

FEBRUARY 3, 2022

Mrs. McCLAIN (for herself and Mr. LOWENTHAL) introduced the following bill; which was referred to the Committee on Energy and Commerce

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.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Protecting Infrastruc-
5 ture and Promoting Environmental Stewardship Act” or
6 the “PIPES Act”.

1 **SEC. 2. FLUSHABILITY OF DISPOSABLE NONWOVEN PROD-**
2 **UCTS.**

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

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

9 (A) the criteria set forth in the document
10 entitled “Publicly Available Specification (PAS)
11 1: 2020 Criteria for Recognition as a Flushable
12 Product”, published by the International Water
13 Services Flushability Group and dated Decem-
14 ber 2020 (or any appropriate successor criteria,
15 as determined by the Administrator), and any
16 relevant voluntary consensus standards, or
17 other standards, determined appropriate by the
18 Administrator; and

19 (B) consideration of—

20 (i) the environmental impact of flush-
21 ing the product, based on the composition
22 of the materials in the product;

23 (ii) the toilet and drain clearance abil-
24 ity of the product;

25 (iii) the disintegration of the product;

1 (iv) how the product settles in the
2 waste system; and

3 (v) the biodegradation of the product;
4 and

5 (2) establishes a process to assess whether a
6 disposable nonwoven product conforms to the stand-
7 ards established under paragraph (1), including a
8 requirement that in order for a disposable nonwoven
9 product to be designated or marked “flushable” or
10 “sewer and septic safe”, or with any other represen-
11 tation that depicts the disposable nonwoven product
12 as suitable for toilet disposal, the manufacturer of
13 the disposable nonwoven product shall—

14 (A) submit to the Administrator—

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

18 (ii) a fee in an amount determined ap-
19 propriate by the Administrator to cover the
20 costs of administering this section; and

21 (B) make public the documentation sub-
22 mitted pursuant to subparagraph (A)(i).

23 (b) PRODUCT DESIGNATION OR MARKING.—Begin-
24 ning on the effective date of the rule published under sub-
25 section (a), a covered entity may use the terms “flushable”

1 or “sewer and septic safe”, or any other representation
2 that depicts a disposable nonwoven product as suitable for
3 toilet disposal, to designate or mark a disposable
4 nonwoven product only if—

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

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

12 (c) COMPLIANCE.—

13 (1) IN GENERAL.—The Administrator may, in
14 consultation with the Federal Trade Commission,
15 develop a process to determine whether a covered en-
16 tity is in compliance with this section, which may in-
17 clude—

18 (A) a requirement to submit a third-party
19 verification that a disposable nonwoven product
20 conforms to the standards established under
21 subsection (a)(1) if the Administrator deter-
22 mines that the documentation submitted pursu-
23 ant to subsection (a)(2) is insufficient, or fur-
24 ther information is otherwise necessary, to
25 verify such compliance; and

1 (B) a requirement to submit to the Admin-
2 istrator, upon request, such other information
3 as the Administrator determines necessary to
4 determine such compliance.

5 (2) CIVIL REMEDIES.—

6 (A) MONETARY CIVIL PENALTIES.—The
7 Administrator shall impose a monetary civil
8 penalty on any covered entity that violates sub-
9 section (b) in an amount that does not exceed—

10 (i) \$25,000 for each day a disposable
11 nonwoven product designated or marked by
12 the covered entity in violation of such sub-
13 section is for sale at retail; and

14 (ii) \$500,000 for a single such viola-
15 tion.

16 (B) ORDERS; INJUNCTIVE RELIEF.—The
17 Administrator may, with respect to any covered
18 entity that violates subsection (b), issue an
19 order to comply, or bring an action in an appro-
20 priate United States district court for appro-
21 priate injunctive relief.

22 (d) WEBSITE.—Not later than 1 year after the date
23 of enactment of this section, the Administrator shall—

1 (1) publish a website to educate the public
2 about the proper use and disposal of disposable
3 nonwoven products, including—

4 (A) the effects of flushing nonflushable
5 wipes; and

6 (B) the requirements of this section; and

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

9 (e) FUNDING.—There is authorized to be appro-
10 priated to the Administrator—

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

13 (2) to administer this section, an amount equal
14 to any amounts collected by the Administrator pur-
15 suant to this section.

16 (f) REPORT.—Not later than 5 years after the effec-
17 tive date of the rule published under subsection (a), the
18 Administrator shall submit to Congress a report on the
19 implementation of this section, which may include rec-
20 ommendations for any changes necessary to improve such
21 implementation.

22 (g) DEFINITIONS.—In this section:

23 (1) ADMINISTRATOR.—The term “Adminis-
24 trator” means the Administrator of the Environ-
25 mental Protection Agency.

1 (2) COVERED ENTITY.—The term “covered en-
2 tity” means a manufacturer, wholesaler, supplier, or
3 retailer that is responsible for the labeling or retail
4 packaging of a disposable nonwoven product that is
5 sold or offered for sale in the United States.

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

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