Calendar No. 166

119TH CONGRESS *1st Session*	SENATE	REPORT 119–63

WASTEWATER INFRASTRUCTURE POLLUTION PREVENTION AND ENVIRONMENTAL SAFETY ACT

R E P O R T

OF THE

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

ON

S. 1092

SEPTEMBER 19 (legislative day, SEPTEMBER 16), 2025.—Ordered to be printed

U.S. GOVERNMENT PUBLISHING OFFICE
59–010 WASHINGTON : 2025

SENATE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

ONE HUNDRED NINETEENTH CONGRESS

FIRST SESSION

TED CRUZ, Texas, *Chairman*

JOHN THUNE, South Dakota
ROGER F. WICKER, Mississippi
DEB FISCHER, Nebraska
JERRY MORAN, Kansas
DAN SULLIVAN, Alaska
MARSHA BLACKBURN, Tennessee
TODD YOUNG, Indiana
TED BUDD, North Carolina
ERIC SCHMITT, Missouri
JOHN CURTIS, Utah
BERNIE MORENO, Ohio
TIM SHEEHY, Montana
SHELLEY MOORE CAPITO, West Virginia
CYNTHIA M. LUMMIS, Wyoming

MARIA CANTWELL, Washington
AMY KLOBUCHAR, Minnesota
BRIAN SCHATZ, Hawaii
EDWARD J. MARKEY, Massachusetts
GARY C. PETERS, Michigan
TAMMY BALDWIN, Wisconsin
TAMMY DUCKWORTH, Illinois
JACKY ROSEN, Nevada
BEN RAY LUJÁN, New Mexico
JOHN W. HICKENLOOPER, Colorado
JOHN FETTERMAN, Pennsylvania
ANDY KIM, New Jersey
LISA BLUNT ROCHESTER, Delaware

BRAD GRANTZ, *Majority Staff Director*
LILA HARPER HELMS, *Democratic Staff Director*

Calendar No. 166

119TH CONGRESS
1st Session

SENATE

REPORT
119–63

WASTEWATER INFRASTRUCTURE POLLUTION PREVENTION AND ENVIRONMENTAL SAFETY ACT

SEPTEMBER 19 (legislative day, SEPTEMBER 16), 2025.—Ordered to be printed

Mr. CRUZ, from the Committee on Commerce, Science, and Transportation, submitted the following

R E P O R T

[To accompany S. 1092]

[Including cost estimate of the Congressional Budget Office]

The Committee on Commerce, Science, and Transportation, to which was referred the bill (S. 1092) to require certain products to be labeled with 'Do Not Flush' labeling, and for other purposes, having considered the same, reports favorably thereon with an amendment in the nature of a substitute and recommends that the bill, as amended, do pass.

PURPOSE OF THE BILL

The purpose of S. 1092 is to require certain products to be labeled with "Do Not Flush" labeling.

BACKGROUND AND NEEDS

Currently, 90 percent of wipes sold in the United States are non-flushable.[1] Wastewater systems across the United States experience operational challenges when non-flushable, disposable wipers are flushed into wastewater systems. These wipes are not designed to be flushed into wastewater systems and result in blockages, equipment damage, and increased maintenance or operating costs. According to a study conducted by the National Association of Clean Water Agencies (NACWA), the improper disposal of wipes

[1] Karen McIntyre, "WIPPES Act—Set to Create National Standard for Wipes Labeling," Nonwovens Industry, September 12, 2024, *https://www.nonwovens-industry.com/issues/2024-09/view_features/wippes-act---set-to-create-national-standard-for-wipes-labeling/*.

into sewage systems is responsible for $441 million a year in additional operating costs at U.S. clean water utilities.[2]

Proper labeling is important in keeping non-flushable wipes out of toilets. According to a 2024 survey, consumers are less likely to flush non-flushable wipes if they are aware of the problems.[3]

The purpose of the WIPPES Act is to ensure a consistent, clear uniform labeling standard for disposal of non-flushable wipes to better inform American consumers and change behavior to prevent flushing non-flushable wipes into wastewater systems.

SUMMARY OF PROVISIONS

S. 1092 would do the following:

- Require entities that are responsible for the labeling or retail packaging of certain disposable wipes to label the products with a notice and symbol in accordance with the express requirements of the Act that are specific to the type of packaging, including for: (1) cylindrical packaging, (2) flexible film packaging, (3) rigid packaging, (4) packaging not intended to dispense individual wipes, (5) bulk packaging, and (6) packaging of combined products.
- Direct the Federal Trade Commission (FTC) to issue guidance to assist covered entities in complying with the labeling requirements.
- Authorize the FTC to enforce the labeling requirements in the Act.
- Create a national standard for "Do Not Flush" labeling of covered products by preempting State "Do Not Flush" labeling laws that are not identical to the labeling requirements set forth in the Act.

LEGISLATIVE HISTORY

S. 1092, the WIPPES Act, was introduced on March 24, 2025, by Senator Merkley (for himself and Senators Collins, Blumenthal, King, Markey, Murray, Padilla, Wyden, and Shaheen) and was referred to the Committee on Commerce, Science, and Transportation of the Senate. Senator Warren was later added as a cosponsor. On May 21, 2025, the Committee met in open Executive Session and, by voice vote, ordered S. 1092 reported favorably with an amendment (in the nature of a substitute).

H.R. 2269, a House companion bill, was introduced on March 21, 2025, by Representative McClain (for herself and Representatives Mullin, Kean, and Huffman) and was referred to the Committee on Energy and Commerce of the House of Representatives. On April 8, 2025, that Committee met in open Executive Session and, by voice vote, ordered H.R. 2269 reported favorably without amendment. Representatives Pingree, Calvert, Jayapal, and Correa were later added as cosponsors. On June 23, 2025, H.R. 2269 passed the House by voice vote.

---

[2] National Association of Clean Water Agencies, "The Cost of Wipes on America's Clean Water Utilities: An Estimate of Increased Utility Operating Costs," September 2020, *https://www.nacwa.org/docs/default-source/resources---public/govaff-3-cost_of_wipes-1.pdf*.

[3] "Annual Report 2024," Responsible Flushing Alliance, 2024, *https://www.flushsmart.org/wp-content/uploads/Flushsmart_AnnualReport_2024-1.pdf*.

118th Congress

S. 1350, the WIPPES Act, was introduced on April 27, 2023, by Senator Merkley (for himself and Senators Collins, King, Shaheen, Wyden, Markey, Blumenthal, and Warren) and was referred to the Committee on Commerce, Science, and Transportation of the Senate. Senators Padilla, Feinstein, and Murray were later added as cosponsors.

H.R. 2964, a House companion bill, was introduced on April 27, 2023, by Representative McClain (for herself and Representative Peltola) and was referred to the Committee on Energy and Commerce of the House of Representatives. Representatives Perez and Brownley were later added as cosponsors. On December 6, 2023, that Committee met in open Executive Session and, by a vote of 42–0, ordered H.R. 2964 reported favorably as amended. On June 11, 2024, the House passed H.R. 2964 by a vote of 351–56.

ESTIMATED COSTS

In accordance with paragraph 11(a) of rule XXVI of the Standing Rules of the Senate and section 403 of the Congressional Budget Act of 1974, the Committee provides the following cost estimate, prepared by the Congressional Budget Office:

S. 1092, WIPPES Act

As ordered reported by the Senate Committee on Commerce, Science, and Transportation on May 21, 2025

By Fiscal Year, Millions of Dollars	2025	2025-2030	2025-2035
Direct Spending (Outlays)	0	0	0
Revenues	0	*	*
Increase or Decrease (-) in the Deficit	0	*	*
Spending Subject to Appropriation (Outlays)	*	4	not estimated

Increases *net direct spending* in any of the four consecutive 10-year periods beginning in 2036?	No	Statutory pay-as-you-go procedures apply?	Yes
		Mandate Effects	
Increases *on-budget deficits* in any of the four consecutive 10-year periods beginning in 2036?	No	Contains intergovernmental mandate?	Yes, Under Threshold
		Contains private-sector mandate?	Yes, Under Threshold

* = between -$500,000 and $500,000.

S. 1092 would require manufacturers and suppliers of disposable wipes to clearly mark their products with a “do not flush” label and symbol. Failure to comply would be considered an unfair or deceptive practice under the Federal Trade Commission Act and the Federal Trade Commission (FTC) would be responsible for enforcement.

Using information from the FTC and based on the cost of similar requirements, CBO estimates that implementing S. 1092 would cost the FTC $4 million over the 2025–2030 period to issue guidance and monitor and enforce those requirements. Any related spending would be subject to the availability of appropriated funds.

Companies that failed to meet the new requirements could face civil penalties, which are recorded as revenues. Whether the FTC would pursue civil penalties or some other remedy for violations is unclear. In any event, CBO expects that companies would generally comply with the new requirements and that any additional penalties collected over the 2025–2035 period would be insignificant.

S. 1092 would impose mandates as defined in the Unfunded Mandates Reform Act (UMRA). CBO estimates that the costs to comply with the intergovernmental and private-sector mandates would not exceed the thresholds established in UMRA ($103 million and $206 million in 2025, respectively, adjusted annually for inflation).

S. 1092 would preempt some state and local laws governing the labeling of certain disposable wipes. Although the preemptions would limit the application of state and local laws, they would impose no duty on state or local governments that would result in significant spending or loss of revenues.

The bill would require manufacturers of certain disposable wipes to label their products with a "do not flush" label and symbol. Because manufacturers already are complying with similar laws enacted in California, Illinois, and several other states, CBO estimates that the cost for manufacturers to comply with the mandate would be small.

On June 27, 2025, CBO transmitted a cost estimate for H.R. 2269, the WIPPES Act, as passed by the House of Representatives on June 23, 2025. The two pieces of legislation are similar, and CBO's estimates of their budgetary effects are the same.

The CBO staff contacts for this estimate are Margot Berman (for federal costs) and Rachel Austin (for mandates). The estimate was reviewed by H. Samuel Papenfuss, Deputy Director of Budget Analysis.

PHILLIP L. SWAGEL,
Director, Congressional Budget Office.

REGULATORY IMPACT STATEMENT

In accordance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee provides the following evaluation of the regulatory impact of the legislation, as reported:

Number of Persons Covered

S. 1092 would cover manufacturers, wholesalers, suppliers, individuals, groups of individuals, or retailers that are responsible for the labeling or retail packaging of a covered product that is sold or offered for retail sale in the United States.

Economic Impact

Based on industry sources, compliance costs associated with S. 1092's labeling requirements are expected to be minimal. It is believed that such expenses will be outweighed by decreased operating costs for wastewater systems from reduced disposal of nonflushable wipes into wastewater systems.

Privacy

S. 1092 would not impact the personal privacy of individuals.

Paperwork

S. 1092 is not anticipated to generate any additional paperwork.

CONGRESSIONALLY DIRECTED SPENDING

In compliance with paragraph 4(b) of rule XLIV of the Standing Rules of the Senate, the Committee provides that no provisions contained in the bill, as reported, meet the definition of congressionally directed spending items under the rule.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title.

This section would provide that the bill may be cited as the "Wastewater Infrastructure Pollution Prevention and Environmental Safety Act" or the "WIPPES Act".

Section 2. "Do Not Flush" labeling.

Section 2(a) would require a covered entity to label a covered product in accordance with subsections (b) and (c).

Section 2(b) would establish labeling requirements for covered products sold in specific packaging. Subsection (b)(1) would establish specific labeling requirements for covered products sold in cylindrical packaging; subsection (b)(2) would establish specific labeling requirements for covered products sold in flexible film packaging; subsection (b)(3) would establish specific labeling requirements for covered products sold in a refillable tub or other rigid packaging; subsection (b)(4) would establish specific labeling requirements for covered products sold in packaging that is not intended to dispense individual wipes; subsection (b)(5)(A) would establish labeling requirements for covered products sold in bulk at retail; subsection (b)(5)(B)(i) would exempt from the requirements of subparagraph (A) individually packaged covered products that are contained within outer packaging, are not intended to dispense individual wipes, and have no retail labeling; subsection (b)(5)(B)(ii) would exempt from the requirements of subparagraph (A) outer packaging that does not obscure the required labeling on individually packaged covered products that are contained within; and subsection (b)(6) would establish the labeling requirements for combined products.

Section 2(c) would require a covered entity to ensure that packaging seams or folds or other packaging design elements do not obscure the symbol or label notice; that such symbol and label notice are each equal in size to at least 2 percent of the surface area of the principal display panel; and that the symbol and label notice have a high contrast with the immediate background on the packaging so an ordinary person can see and read the label notice and symbol. Section 2(c) also would allow a covered entity to display a symbol and label notice either adjacent to or on separate areas of the principal display panel.

Section 2(d) would provide that a covered entity may not make any express or implied representation that such covered product can or should be flushed.

Section 2(e) would authorize the FTC to enforce the Act as a violation of a rule describing an unfair or deceptive act or practice prescribed under section 18(a)(1)(B) of the Federal Trade Commission Act.

Section 2(f) would require the FTC, not later than 180 days after the date of enactment and in consultation with the Administrator of the Environmental Protection Agency, the Commissioner of Food and Drugs, the Consumer Product Safety Commission, and any other agency determined appropriate by the FTC, to issue guidance to assist covered entities in complying with the labeling requirements of this section.

Section 2(g) would place limitations on FTC guidance such that the guidance would not confer any rights on any person, State, or locality, or bind the FTC or any other person to the approach recommended in the FTC guidance. Section 2(g) would also provide that any enforcement action brought by the FTC shall allege a specific violation of the Act and that no enforcement action shall be based on practices that are inconsistent with guidance unless such practices also violate the Act.

Section 2(h) would prohibit any State or political subdivision of a State from directly or indirectly establishing or continuing in effect, under any authority, requirements with respect to the "Do Not Flush" labeling of a covered product that is not identical to the requirements under this section.

Section 2(i) would define the terms "combined product", "Commission", "covered entity", "covered product", "high contrast", "label notice", "principal display panel", "State", and "symbol".

Lastly, section 2(j) would provide that the bill shall take effect 1 year after the date of the enactment and shall not apply to covered products packaged or sold before such date.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, the Committee states that the bill as reported would make no change to existing law.

○