

118TH CONGRESS
2D SESSION

H. R. 2964

IN THE SENATE OF THE UNITED STATES

JUNE 12, 2024

Received; read twice and referred to the Committee on Commerce, Science,
and Transportation

AN ACT

To require certain products to be labeled with ‘Do Not Flush’
labeling, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Wastewater Infrastruc-
3 ture Pollution Prevention and Environmental Safety Act”
4 or the “WIPPES Act”.

5 **SEC. 2. “DO NOT FLUSH” LABELING.**

6 (a) IN GENERAL.—A covered entity shall label a cov-
7 ered product clearly and conspicuously with the label no-
8 tice and symbol, in accordance with subsections (b) and
9 (c).

10 (b) REQUIREMENTS.—

11 (1) CYLINDRICAL PACKAGING.—In the case of a
12 covered product sold in cylindrical or near-cylindrical
13 packaging, and intended to dispense individual
14 wipes—

15 (A) the symbol and label notice shall be
16 displayed on the principal display panel in a
17 clear and conspicuous location reasonably visi-
18 ble to the user each time a wipe is dispensed;
19 or

20 (B) the symbol shall be displayed on the
21 principal display panel and the label notice, or
22 a combination of the label notice and symbol,
23 shall be displayed on a flip lid in a manner that
24 covers at least 8 percent of the surface area of
25 the flip lid.

1 (2) FLEXIBLE FILM PACKAGING.—In the case
2 of a covered product sold in flexible film packaging,
3 and intended to dispense individual wipes—

4 (A) the symbol shall be displayed on the
5 principal display panel and, if the principal display
6 panel is not on the dispensing side of the
7 packaging, on the dispensing side panel; and

8 (B) the label notice shall be displayed on
9 either the principal display panel or the dispensing
10 side panel, in a clear and conspicuous
11 location reasonably visible to the user each time
12 a wipe is dispensed.

13 (3) RIGID PACKAGING.—In the case of a covered
14 product sold in a refillable tub or other rigid
15 packaging that may be reused by a customer, and
16 that is intended to dispense individual wipes, the
17 symbol and label notice shall be displayed on the
18 principal display panel in a clear and conspicuous location
19 reasonably visible to the user each time a
20 wipe is dispensed.

21 (4) PACKAGING NOT INTENDED TO DISPENSE
22 INDIVIDUAL WIPES.—In the case of a covered product
23 sold in packaging that is not intended to dispense
24 individual wipes, the symbol and label notice
25 shall be displayed on the principal display panel in

1 a clear and conspicuous location reasonably visible to
2 the user of the covered product.

3 (5) BULK PACKAGING.—

4 (A) IN GENERAL.—In the case of a covered
5 product sold in bulk at retail, the symbol and
6 label notice shall be displayed on both the outer
7 packaging visible at retail and the individual
8 packaging contained within the outer pack-
9 aging.

10 (B) EXEMPTION.—The following shall be
11 exempt from the requirements of subparagraph
12 (A):

13 (i) Individually packaged covered
14 products that are contained within outer
15 packaging, are not intended to dispense in-
16 dividual wipes, and have no retail labeling.

17 (ii) Outer packaging that does not ob-
18 scure the symbol and label notice on indi-
19 vidually packaged covered products con-
20 tained within.

21 (6) PACKAGING OF COMBINED PRODUCTS.—

22 (A) OUTER PACKAGING.—The outer pack-
23 aging of combined products shall be exempt
24 from the symbol and label notice requirements
25 of subsection (a).

1 (B) PACKAGES LESS THAN 3 BY 3
2 INCHES.—In the case of a covered product in
3 packaging smaller than 3 inches by 3 inches
4 (such as an individually packaged wipe in tear-
5 top packaging) and sold as part of a combined
6 product, if a symbol and label notice are placed
7 in a prominent location reasonably visible to the
8 user of the covered product, such covered prod-
9 uct shall be considered to be labeled clearly and
10 conspicuously.

11 (c) REASONABLE VISIBILITY OF SYMBOL AND LABEL
12 NOTICE.—

13 (1) IN GENERAL.—A covered entity shall ensure
14 that—

15 (A) packaging seams or folds or other
16 packaging design elements do not obscure the
17 symbol or label notice;

18 (B) the symbol and label notice are each
19 equal in size to at least 2 percent of the surface
20 area of the principal display panel; and

21 (C) the symbol and label notice have high
22 contrast with the immediate background of the
23 packaging so that such symbol and label notice
24 may be seen and read by an ordinary individual

1 under customary conditions of purchase and
2 use.

3 (2) PROXIMITY OF SYMBOL AND LABEL NO-
4 TICE.—A covered entity may display a symbol and
5 label notice either adjacent to or on separate areas
6 of the principal display panel.

7 (3) EXCEPTION.—Paragraph (1)(C) does not
8 apply to an embossed symbol or label notice on the
9 flip lid of a covered product sold in cylindrical or
10 near-cylindrical packaging.

11 (d) REPRESENTATIONS OF FLUSHABILITY.—With re-
12 spect to a covered product, a covered entity may not make
13 any express or implied representation that such covered
14 product can or should be flushed.

15 (e) ENFORCEMENT BY FEDERAL TRADE COMMIS-
16 SION.—

17 (1) UNFAIR OR DECEPTIVE ACTS OR PRAC-
18 TICES.—A violation of this section or any regulation
19 promulgated under this section shall be treated as a
20 violation of a regulation under section 18(a)(1)(B)
21 of the Federal Trade Commission Act (15 U.S.C.
22 57a(a)(1)(B)) regarding unfair or deceptive acts or
23 practices.

24 (2) POWERS OF COMMISSION.—The Commis-
25 sion shall enforce this section and any regulations

1 promulgated under this section by the same means,
2 and with the same jurisdiction, powers, and duties,
3 as though all applicable terms and provisions of the
4 Federal Trade Commission Act (15 U.S.C. 41 et
5 seq.) were incorporated into and made a part of this
6 section, and any person who violates this section or
7 any regulation promulgated under this section shall
8 be subject to the penalties and entitled to the privi-
9 leges and immunities provided in the Federal Trade
10 Commission Act.

11 (3) REGULATIONS.—The Commission may pro-
12 mulgate regulations under section 553 of title 5,
13 United States Code, to implement this section. In
14 developing the regulations, the Commission may con-
15 sult with the Administrator of the Environmental
16 Protection Agency, the Commissioner of Food and
17 Drugs, the Consumer Product Safety Commission,
18 or any other agency as appropriate.

19 (4) AUTHORITY PRESERVED.—Nothing in this
20 section may be construed to limit the authority of
21 the Commission under any other provision of law.

22 (f) PREEMPTION OF STATE LAWS.—No State or po-
23 litical subdivision of a State may directly or indirectly es-
24 tablish or continue in effect, under any authority, require-
25 ments with respect to the “Do Not Flush” labeling of cov-

1 ered products that are not identical to the requirements
2 of this section and the regulations promulgated under this
3 section.

4 (g) DEFINITIONS.—In this section:

5 (1) COMBINED PRODUCT.—The term “com-
6 bined product” means two or more products sold in
7 shared retail packaging, of which—

8 (A) at least one of the products is a cov-
9 ered product; and

10 (B) at least one of the products is another
11 consumer product intended to be used in com-
12 bination with such covered product.

13 (2) COMMISSION.—The term “Commission”
14 means the Federal Trade Commission.

15 (3) COVERED ENTITY.—The term “covered en-
16 tity” means a manufacturer, wholesaler, supplier, in-
17 dividual or group of individuals, or retailer that is
18 responsible for the labeling or retail packaging of a
19 covered product that is sold or offered for retail sale
20 in the United States.

21 (4) COVERED PRODUCT.—

22 (A) IN GENERAL.—The term “covered
23 product” means a premoistened, nonwoven dis-
24 posable wipe sold or offered for retail sale—

1 (i) that is marketed as a baby wipe or
2 diapering wipe; or

3 (ii) that is a household or personal
4 care wipe (including a wipe described in
5 subparagraph (B)) that—

6 (I) is composed entirely, or in
7 part, of petrochemical-derived fibers;
8 and

9 (II) has significant potential to
10 be flushed.

11 (B) INCLUSIONS.—The wipes described in
12 this subparagraph are—

13 (i) antibacterial wipes and disinfecting
14 wipes;

15 (ii) wipes intended for general purpose
16 cleaning or bathroom cleaning, including
17 toilet cleaning and hard surface cleaning;
18 and

19 (iii) wipes intended for personal care
20 use on the body, including hand sanitizing,
21 makeup removal, feminine hygiene, adult
22 hygiene (including incontinence hygiene),
23 and body cleansing.

1 (5) HIGH CONTRAST.—The term “high con-
2 trast” means, with respect to the symbol or label no-
3 tice, that such symbol or label notice—

4 (A) is either light on a solid dark back-
5 ground or dark on a solid light background; and

6 (B) has a contrast percentage of at least
7 70 percent between such symbol or label notice
8 and the background, using the formula $(B1 -$
9 $B2) / B1 * 100 =$ contrast percentage, where
10 B1 is the light reflectance value of the lighter
11 area and B2 is the light reflectance value of the
12 darker area.

13 (6) LABEL NOTICE.—The term “label notice”
14 means the written phrase “Do Not Flush”.

15 (7) PRINCIPAL DISPLAY PANEL.—The term
16 “principal display panel” means the side of a prod-
17 uct package that is most likely to be displayed, pre-
18 sented, or shown under customary conditions of dis-
19 play for retail sale, and—

20 (A) in the case of a cylindrical or near-cy-
21 lindrical package, the surface area of which
22 constitutes at least 40 percent of the product
23 package, as measured by multiplying the height
24 by the circumference of the package; or

1 (B) in the case of a flexible film package
2 in which a rectangular prism or near-rectan-
3 gular prism stack of wipes is housed within the
4 film, the surface area of which is measured by
5 multiplying the length by the width of the side
6 of the package when the flexible packaging film
7 is pressed flat against the stack of wipes on all
8 sides of the stack.

9 (8) STATE.—The term “State” means each
10 State of the United States, the District of Columbia,
11 and each commonwealth, territory, or possession of
12 the United States.

13 (9) SYMBOL.—The term “symbol” means the
14 “Do Not Flush” symbol, as depicted in the most re-
15 cent edition of the Guidelines for Assessing the
16 Flushability of Disposable Nonwoven Products pub-
17 lished by the Association of the Nonwoven Fabrics
18 Industry (INDA) and the European Disposables
19 And Nonwovens Association (EDANA), or an other-
20 wise equivalent symbol adopted by the Commission
21 through rulemaking under this section.

1 (h) EFFECTIVE DATE.—This section shall apply to
2 a covered entity beginning on the date that is 1 year after
3 the date of the enactment of this Act.

Passed the House of Representatives June 11, 2024.

Attest: KEVIN F. MCCUMBER,
Clerk.