

119TH CONGRESS
2D SESSION

S. 1092

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 with the label notice and symbol, in accord-
8 ance with subsections (b) and (c).

9 (b) REQUIREMENTS.—

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

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

19 (B) the symbol shall be displayed on the
20 principal display panel and the label notice, or
21 a combination of the label notice and symbol,
22 shall be displayed on a flip lid in a manner that
23 covers at least 8 percent of the surface area of
24 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 dis-
6 play 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 dis-
10 pensing 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 cov-
14 ered 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 lo-
19 cation 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 prod-
23 uct sold in packaging that is not intended to dis-
24 pense 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 vidualy 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 shall be treated
19 as a violation of a rule defining an unfair or decep-
20 tive act or practice prescribed under section
21 18(a)(1)(B) of the Federal Trade Commission Act
22 (15 U.S.C. 57a(a)(1)(B)).

23 (2) POWERS OF COMMISSION.—The Commis-
24 sion shall enforce this section in the same manner,
25 by the same means, and with the same jurisdiction,

1 powers, and duties as though all applicable terms
2 and provisions of the Federal Trade Commission Act
3 (15 U.S.C. 41 et seq.) were incorporated into and
4 made a part of this section.

5 (3) PRIVILEGES AND IMMUNITIES.—Any person
6 who violates this section shall be subject to the pen-
7 alties and entitled to the privileges and immunities
8 provided in the Federal Trade Commission Act (15
9 U.S.C. et seq.).

10 (4) AUTHORITY PRESERVED.—Nothing in this
11 section shall be construed to limit the authority of
12 the Commission under any other provision of law.

13 (f) COMMISSION GUIDANCE.— Not later than 180
14 days after the date of enactment of this Act, the Commis-
15 sion, in consultation with the Administrator of the Envi-
16 ronmental Protection Agency, the Commissioner of Food
17 and Drugs, the Consumer Product Safety Commission,
18 and any other agency determined appropriate by the Com-
19 mission, shall issue guidance to assist covered entities in
20 complying with the requirements of this section.

21 (g) LIMITATION ON COMMISSION GUIDANCE.—

22 (1) IN GENERAL.—No guidance issued by the
23 Commission with respect to this section shall—

24 (A) confer any rights on any person, State,
25 or locality; or

1 (B) bind the Commission or any person to
2 the approach recommended in such guidance.

3 (2) SPECIFIC VIOLATIONS.—In any enforcement
4 action brought under this section, the Commission
5 shall allege a specific violation of a provision of this
6 section.

7 (3) NO ENFORCEMENT ACTIONS BASED ON
8 GUIDANCE.—The Commission may not base an en-
9 forcement action on, or execute a consent order
10 based on, practices that are alleged to be incon-
11 sistent with any guidance issued under this Act, un-
12 less the practices allegedly violate this section.

13 (h) PREEMPTION OF STATE LAWS.—No State or po-
14 litical subdivision of a State may directly or indirectly es-
15 tablish or continue in effect, under any authority, require-
16 ments with respect to the “Do Not Flush” labeling of cov-
17 ered products that are not identical to the requirements
18 of this section.

19 (i) DEFINITIONS.—In this section:

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

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

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

4 (2) COMMISSION.—The term “Commission”
5 means the Federal Trade Commission.

6 (3) COVERED ENTITY.—The term “covered en-
7 tity” means a manufacturer, wholesaler, supplier, in-
8 dividual or group of individuals, or retailer that is
9 responsible for the labeling or retail packaging of a
10 covered product that is sold or offered for retail sale
11 within the United States.

12 (4) COVERED PRODUCT.—

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

16 (i) that is marketed as a baby wipe or
17 diapering wipe; or

18 (ii) that is a household or personal
19 care wipe (including a wipe described in
20 subparagraph (B)) that—

21 (I) is composed entirely, or in
22 part, of petrochemical-derived fibers;
23 and

24 (II) has significant potential to
25 be flushed.

1 (B) INCLUSIONS.—The wipes described in
2 this subparagraph are—

3 (i) antibacterial wipes and disinfecting
4 wipes;

5 (ii) wipes intended for general purpose
6 cleaning or bathroom cleaning, including
7 toilet cleaning and hard surface cleaning;
8 and

9 (iii) wipes intended for personal care
10 use on the body, including hand sanitizing,
11 makeup removal, feminine hygiene, adult
12 hygiene (including incontinence hygiene),
13 and body cleansing.

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

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

19 (B) has a contrast percentage of at least
20 70 percent between such symbol or label notice
21 and the background, using the formula $(B1 -$
22 $B2)/B1 * 100 = \text{contrast percentage}$, where B1
23 is the light reflectance value of the lighter area
24 and B2 is the light reflectance value of the
25 darker area.

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

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

8 (A) in the case of a cylindrical or near-cy-
9 lindrical package, the surface area of which
10 constitutes at least 40 percent of the product
11 package, as measured by multiplying the height
12 by the circumference of the package; or

13 (B) in the case of a flexible film package
14 in which a rectangular prism or near-rectan-
15 gular prism stack of wipes is housed within the
16 film, the surface area of which is measured by
17 multiplying the length by the width of the side
18 of the package when the flexible packaging film
19 is pressed flat against the stack of wipes on all
20 sides of the stack.

21 (8) STATE.—The term “State” means each
22 State of the United States, the District of Columbia,
23 and each commonwealth, territory, or possession of
24 the United States.

1 (9) SYMBOL.—The term “symbol” means the
2 “Do Not Flush” symbol, as depicted in the most re-
3 cent edition of the Guidelines for Assessing the
4 Flushability of Disposable Nonwoven Products pub-
5 lished by the Association of the Nonwoven Fabrics
6 Industry (INDA) and the European Disposables
7 And Nonwovens Association (EDANA).

8 (j) EFFECTIVE DATE.—This section shall apply to a
9 covered entity beginning on the date that is 1 year after
10 the date of the enactment of this Act and shall not apply
11 to any covered product packaged or sold before such date.

Passed the Senate March 22, 2026.

Attest:

Secretary.

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