



## Legislation Text

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**File #:** Res 0756-2023, **Version:** \*

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### Res. No. 756

Resolution calling upon the United States Congress to pass, and the President to sign, S. 1350/H.R. 2964, the Wastewater Infrastructure Pollution Prevention and Environmental Safety Act (WIPPES), requiring the Federal Trade Commission to issue regulations requiring certain products to have “Do Not Flush” labeling.

By Council Members Gennaro, Velázquez, Gutiérrez, Farías, Hanif, Abreu and Brewer

Whereas, New York City’s (NYC or City) wastewater infrastructure consists of over 7,500 miles of sewer lines, which convey approximately 1.3 billion gallons of water each day to the City’s 14 wastewater resource recovery facilities; and

Whereas, From households, wastewater goes through multiple phases of treatment, starting with grates that screen larger pieces of debris from the water as it enters the sewage system, followed by pumping to a wastewater treatment facility where the water is briefly held in settling tanks where heavier sediment sinks to the bottom, and lighter particles and grease can be skimmed from the surface before being sent for additional processing; and

Whereas, The City’s wastewater infrastructure is not designed to accept materials other than bodily waste and sanitary paper designed to break down nearly immediately in the presence of water; and

Whereas, Flushing materials unsuitable for the City’s wastewater infrastructure down toilets can cause significant problems for such infrastructure, as the material can collect in sewer grates and cause backups, congeal with improperly discarded grease and oil to form into clumps known as fatbergs, and contribute to equipment failures at treatment plants; and

Whereas, Nonwoven wipes, which may be marketed as baby wipes, wet wipes, sanitary wipes, makeup wipes, or cleaning and disinfecting wipes, are usually made either partially or entirely from fossil fuel-derived

fibers, and do not break down quickly enough to be flushed, have been identified as a major culprit in sewer line clogs and the formation of fatbergs; and

Whereas, Even wipes explicitly marketed as flushable may contribute to sewage clogs and potential machinery damage according to a 2019 study conducted by Toronto Metropolitan University’s Flushability Lab at Ryerson Urban Water, which found that of 23 brands of nonwoven wipes labeled flushable, none broke down quickly enough to safely pass through sewage infrastructure; and

Whereas, During a hearing of the NYC Council’s Committee on Environmental Protection in October of 2020, the then Commissioner of the NYC Department of Environmental Protection (DEP), Vincent Sapienza, testified that DEP spends nearly \$19,000,000 each year addressing sewage clogs and damage to machinery caused by the flushing of nonwoven wipes; and

Whereas, The National Association of Clean Water Agencies estimates that improperly flushed wipes cost water utilities in the U.S. approximately \$441,000,000 in additional operating costs each year; and

Whereas, The WIPPES Act, S. 1350/H.R. 2964, sponsored by U.S. Senator Jeff Merkley and U.S. House Representative Lisa McClain, would require the Federal Trade Commission, within 2 years, to establish regulations requiring manufacturers, wholesalers, suppliers, or retailers to label certain household and personal care wipes clearly and conspicuously with high contrast “Do Not Flush” symbols; and

Whereas, The WIPPES Act would apply to pre-moistened, nonwoven disposable wipes sold or offered for sale that are (i) marketed as baby or diapering wipes, or (ii) household or personal care wipes composed either wholly or in part of fossil fuel-derived fibers and that have a high likelihood of being flushed; and

Whereas, The WIPPES Act would establish standards requiring covered products to feature the “Do Not Flush” symbol and label prominently displayed in a location reasonably viewable to users each time a wipe is dispensed, in high contrast colors, unobscured by seams or package design elements, and covering at least 2 percent of the surface area of the main display panel; and

Whereas, The Act would also require the Federal Trade Commission to issue regulations prohibiting the

representation or marketing of covered products as flushable; and

Whereas, Violations of the Act would trigger a fine of no more than \$2,500 for each day the violation occurs, not to exceed \$100,000 for a single violation, and states would be preempted from establishing restrictions different from those contained within the WIPPES Act; and

Whereas, The labeling required by the WIPPES Act may increase awareness among the general public that nonwoven disposable wipes should not be flushed, which may in turn help to reduce this unwanted behavior and minimize the effects of improper disposal on municipal wastewater facilities across the United States; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the United States Congress to pass, and the President to sign, S. 1350/H.R 2964, the Wastewater Infrastructure Pollution Prevention and Environmental Safety Act (WIPPES), requiring the Federal Trade Commission to issue regulations requiring certain products to have “Do Not Flush” labeling.

NRC  
LS#13919  
8/24/23