

CONCURRENCE IN SENATE AMENDMENTS

AB 818 (Bloom)

As Amended July 1, 2021

Majority vote

SUMMARY

Requires covered nonwoven disposable wipes, by July 1, 2022, to be labeled clearly and conspicuously to communicate that they should not be flushed, and prescribes specified "Do Not Flush" symbols, size, and location requirements for the label; establishes enforcement provisions; establishes a consumer education and outreach program, as specified, and sunsets the consumer outreach program on December 31, 2026; and sunsets the bill on January 1, 2027.

Senate Amendments

Specify, for purposes of assessing civil penalties, offering for sale or selling in California one or more units of the same covered product labeled in violation of Public Resources Code Section 49651 constitutes a single violation for each day the noncompliant units are offered for sale or sold.

COMMENTS

What does "flushable" mean? There currently is no federal or state definition of what constitutes a "flushable" consumer product.

As a result, companies have used their own definitions and methods to determine the flushability of their products. For consumers and wastewater agencies, this means there has been no single reference from which to assess the flushability of a product other than the marketing claim on a package.

Flushable products: This lack of standardization, or regulation, has led to consumer confusion and lack of clarity in the market place as to the appropriateness of disposing certain products via plumbing systems.

For disposable products that address public health and hygiene considerations, consumers often mistakenly use the wastewater system as a preferred means of disposal. These products include disinfectant wipes and baby wipes (which are often confused with "flushable" wipes), feminine hygiene products, diapers, diaper liners, dog poop bags, wash cloths, condoms, and more.

Problems with nonflushable products: Products that are poorly designed or not at all intended to be flushed down the toilet can cause sewer blockages, which damage sewer lines and can lead to costly sanitary sewer overflows. Damage and overflows present dangers to public health and the environment.

Non-flushable labeling: To try to address some of the consumer confusion, this bill requires specified products to be clearly labeled that they are not flushable per the trade association for non-woven fabrics, INDA's labeling requirements. INDA's Code of Practice includes a "Do Not Flush" symbol for companies to use on product packaging.



According to the Author

"When wet wipes products are flushed into the sewer system they can cause significant issues for private property owners, sewer collection systems, and wastewater treatment plants. Wet products that do not break down can catch on tree roots or other obstructions in residential sewer laterals and cause costly and dangerous backups for property owners. Wet wipes have been shown to cause significant damage to residential septic systems, resulting in expensive repairs and remediation for homeowners."

Arguments in Support

Consumer Brands writes, "It is important to distinguish the fundamental differences between non-flushable wipes and flushable wipes. Non-flushable wipes, such as baby wipes and hard surface disinfectant wipes, are designed for stronger wiping tasks and therefore are to be thrown into the trash, not the toilet. Accordingly, most are labeled "Do Not Flush." Industry wide "Do Not Flush" labeling of packaging for wipes not designed to be flushable is the primary focus of industry's Code of Practice and AB 818. We believe a clear and consistent communication strategy on packaging is crucial to promote proper disposal and in turn minimize negative impacts of non-flushable products on municipal wastewater systems. Consumer Brands supports AB 818's provisions on consumer outreach and education to promote awareness, understanding, and compliance with the "Do Not Flush" label."

Arguments in Opposition

None on file.

FISCAL COMMENTS

This bill has minor, if any, fiscal impact as it met the criteria for passage from the Senate Appropriations Committee through Senate Rule 28.8.

VOTES:

ASM ENVIRONMENTAL SAFETY AND TOXIC MATERIALS: 9-0-0

YES: Quirk, Smith, Arambula, Bauer-Kahan, Megan Dahle, Cristina Garcia, Holden, Mathis, Muratsuchi

ASM JUDICIARY: 11-0-0

YES: Stone, Gallagher, Chau, Chiu, Davies, Lorena Gonzalez, Holden, Kalra, Kiley, Maienschein, Reyes

ASM APPROPRIATIONS: 16-0-0

YES: Lorena Gonzalez, Bigelow, Calderon, Carrillo, Chau, Megan Dahle, Davies, Fong, Gabriel, Eduardo Garcia, Levine, Quirk, Robert Rivas, Holden, Akilah Weber, Berman

ASSEMBLY FLOOR: 75-0-3

YES: Aguiar-Curry, Arambula, Bauer-Kahan, Bennett, Berman, Bigelow, Bloom, Boerner Horvath, Burke, Calderon, Carrillo, Chau, Chen, Chiu, Choi, Cooley, Cooper, Cunningham, Megan Dahle, Daly, Davies, Flora, Fong, Frazier, Friedman, Gabriel, Cristina Garcia, Eduardo Garcia, Gipson, Lorena Gonzalez, Gray, Grayson, Holden, Irwin, Jones-Sawyer, Kalra, Kiley, Lackey, Lee, Levine, Low, Maienschein, Mathis, Mayes, McCarty, Mullin, Muratsuchi, Nazarian, Nguyen, O'Donnell, Patterson, Petrie-Norris, Quirk, Quirk-Silva, Ramos, Reyes, Luz Rivas, Robert Rivas, Rodriguez, Blanca Rubio, Salas, Santiago, Seyarto, Smith, Stone, Ting, Valladares, Villapudua, Voepel, Waldron, Ward, Akilah Weber, Wicks, Wood, Rendon

ABS, ABST OR NV: Cervantes, Gallagher, Medina

SENATE FLOOR: 39-0-1

YES: Allen, Archuleta, Atkins, Bates, Becker, Borgeas, Bradford, Caballero, Cortese, Dahle, Dodd, Durazo, Eggman, Glazer, Gonzalez, Grove, Hertzberg, Hueso, Hurtado, Jones, Kamlager, Laird, Leyva, Limón, McGuire, Melendez, Min, Newman, Nielsen, Ochoa Bogh, Pan, Portantino, Roth, Rubio, Skinner, Umberg, Wieckowski, Wiener, Wilk

ABS, ABST OR NV: Stern

UPDATED

VERSION: July 1, 2021

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FN: 0001141