

ASSEMBLY BILL

No. 2256

Introduced by Assembly Member Huffman

February 18, 2010

An act to add Chapter 9 (commencing with Section 119420) to Part 15 of Division 104 of the Health and Safety Code, relating to flushable products.

LEGISLATIVE COUNSEL'S DIGEST

AB 2256, as introduced, Huffman. Product labeling: flushable products.

Existing law regulates the labeling requirements on various consumer products.

This bill would prohibit, on or after January 1, 2012, a person engaged in the packaging or labeling of a consumer product from distributing, or causing to be distributed, in commerce in California a product, that is contained in a package, or that has an affixed label, that states that the product is flushable, sewer and septic safe, or other like term or phrase unless the product meets specified criteria. The bill would make violation of this provision punishable by a fine of up to \$2,500.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) There is currently no consistent or widely accepted definition
- 4 of what constitutes a “flushable“ consumer product. As a result,

1 companies have used their own definitions and methods to
2 determine the flushability of their products. For consumers and
3 wastewater agencies, this means there has been no single reference
4 from which to assess the flushability of products.

5 (b) This lack of consistency has lead to confusion and lack of
6 clarity in the market place as to the appropriateness of disposing
7 certain products via plumbing systems. Where such confusion
8 exists, there is a higher risk that nonflushable products will be
9 flushed down a toilet, which has lead to costly plumbing repairs
10 and extraordinary maintenance problems for sanitary sewer systems
11 and wastewater treatment plants.

12 (c) Products that are poorly designed to be flushed down the
13 toilet can cause sewer blockages, which damage sewer lines and
14 lead to costly sanitary sewer overflows. Damage and overflows
15 present dangers to public health and the environment.

16 (d) A build up of nonflushable products has been shown to cause
17 clogs in sewage pumps, lead to entanglements in sewage treatment
18 equipment, lead to sewer backups in residences, and increase the
19 risk of a sanitary sewer overflow during a storm.

20 (e) An increasing concern among public wastewater agencies
21 is the prevalence of consumer products found in sewage
22 infrastructure around the state that do not breakdown and
23 disintegrate after being flushed down a toilet.

24 (f) The increased maintenance needed to prevent problems from
25 nonflushable products is very costly to public wastewater agencies.

26 (g) It is in the best interests of manufacturers, retailers,
27 consumers, and regulators, as well as wastewater treatment
28 managers and operators, that there be a consistent and clear
29 definition of flushability.

30 (h) To prevent nondispersable or poorly dispersable products
31 from entering sewer systems and potentially causing overflows,
32 it is the intent of the Legislature to define “flushable” in order to
33 assist manufacturers when labeling their products and enable
34 consumers to identify which products are safe to dispose via the
35 plumbing system.

36 SEC. 2. Chapter 9 (commencing with Section 119420) is added
37 to Part 15 of Division 104 of the Health and Safety Code, to read:

CHAPTER 9. FLUSHABLE PRODUCTS

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119420. (a) On or after January 1, 2012, no person engaged in the packaging or labeling of a consumer product shall distribute, or cause to be distributed, in commerce in California a product that is contained in a package, or that has an affixed label, that states that the product is flushable, sewer and septic safe, or other like term or phrase unless the product can be safely flushed down a low consumption toilet system of 1.6 gallons or less and can easily clear, in one flush, a four inch drain line.

(b) For purposes of this section, “safely” means that the product disperses at the same rate as double-ply toilet paper after one flush and is biodegradable pursuant to the Federal Trade Commission standards in Section 260.7 of Title 16 of the Code of Federal Regulations in effect on December 31, 2010.

119421. Violation of this chapter shall be punishable by a fine not to exceed two thousand five hundred dollars (\$2,500).