

HB 2344 A STAFF MEASURE SUMMARY
Senate Committee On Energy and Environment

Carrier: Sen. Findley

Action Date: 05/18/21
Action: Do pass the A-Eng bill.
Vote: 4-1-0-0
Yeas: 4 - Beyer, Dembrow, Findley, Taylor
Nays: 1 - Robinson
Fiscal: No fiscal impact
Revenue: No revenue impact
Prepared By: Beth Reiley, LPRO Analyst
Meeting Dates: 5/11, 5/18

WHAT THE MEASURE DOES:

Requires covered entity responsible for labeling or packaging disposable cleaning wipes or similar products to comply with certain labeling requirements for product packaging. Requires label notice to meet high contrast specifications and to display the phrase “Do Not Flush” at a size equal to at least 2 percent of the principal display surface area except where exclusions apply. For cylindrical or similar packaging, requires label notice and “Do Not Flush” symbol to be placed on principal display panel in a location that can be viewed each time a wipe is dispensed, or that symbol is placed on principal display panel and either the symbol or label notice, or symbol and label notice together, is placed on the flip lid to cover a minimum of eight percent of the lid surface area. For flexible film packaging, requires “Do Not Flush” symbol to be placed on principal display panel and dispensing side panel, and label notice to be placed on either the principal display panel or dispensing side panel to be viewed each time a wipe is dispensed. For other packaging, intended either to dispense individual wipes or not, requires label notice and symbol be placed on principal display panel in reasonably visible location where packaging seams, folds, or other design elements do not obscure symbol or label notice. For products sold in bulk, requires both outer package and individual packages contained to comply with labeling requirements, except when individual packages contained are not intended to dispense individual wipes and contain no retail labeling, or when outer packages do not obscure symbol and label notice on individual packages. Prohibits covered entity from making any representation about flushable attributes, benefits, performance, or efficacy of product. Where necessary, and no later than July 1, 2023, requires covered entity to submit compliant label to the U.S. Environmental Protection Agency (EPA) and, upon its approval, to the Oregon Department of Agriculture (ODA). Excludes pesticide registration from compliance with labeling requirements. Establishes that provisions of Act supersede and preempt local regulation governing labeling requirements for covered products. Authorizes city, county, or specified special district (local government entity) to enforce compliance with labeling requirements, and directs covered entity, within 90 days of receiving request from local government entity, to submit documentation demonstrating compliance. Authorizes local government entity to bring action to recover a civil penalty if, after receiving a notice of violation, covered entity sells, or displays for sale, a product package that does not comply with labeling requirements. Establishes process of recovering civil penalties. Defines terms. Becomes operative July 1, 2022. Takes effect on 91st day following adjournment sine die.

ISSUES DISCUSSED:

- Other state efforts to require wipes to be labeled
- Disruptions caused by wipes to water treatment system
- Cost of repairing damage to infrastructure caused by flushing wipes

EFFECT OF AMENDMENT:

No amendment.

HB 2344 A STAFF MEASURE SUMMARY

BACKGROUND:

Disposable wipes made for childcare, hand washing, personal cleaning, makeup removal, and household cleaning are typically made of materials such as polyester, polypropylene, cotton, or rayon fibers. These materials do not break down in water and frequently create clogged pipes in plumbing, water works, and water treatment plants. Disposable wipe packages often dispense individual wipes, typically moistened with water and other cleansing agents. The quality and content of many wipes are regulated at the federal level. For example, wipes intended to control germs on surfaces are regulated by the U.S. Environmental Protection Agency.

Nonwoven wipes industry associations have published Guidelines for Assessing the Flushability of Disposable Nonwoven Products (2018) and a labeling Code of Practice (2017). Based on these guidelines, Washington enacted House Bill 2565 in March 2020, becoming the first state with a wipes packaging label law requiring a “Do Not Flush” logo on non-flushable wipes packaging.

House Bill 2344 A would require manufacturers, wholesalers, or retailers who sell single use wipes to label such products as “non-flushable” in a prominent font.