

Union Calendar No. 120

119TH CONGRESS
1ST SESSION

H. R. 2269

[Report No. 119–154]

To require certain products to be labeled with “Do Not Flush” labeling,
and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 21, 2025

Mrs. McCLAIN (for herself, Mr. MULLIN, Mr. KEAN, and Mr. HUFFMAN) introduced the following bill; which was referred to the Committee on Energy and Commerce

JUNE 12, 2025

Additional sponsors: Ms. PINGREE, Mr. CALVERT, Ms. JAYAPAL, and Mr. CORREA

JUNE 12, 2025

Committed to the Committee of the Whole House on the State of the Union
and ordered to be printed

A BILL

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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Wastewater Infrastruc-
5 ture Pollution Prevention and Environmental Safety Act”
6 or the “WIPPES Act”.

7 **SEC. 2. “DO NOT FLUSH” LABELING.**

8 (a) IN GENERAL.—A covered entity shall label a cov-
9 ered product clearly and conspicuously with the label no-
10 tice and symbol, in accordance with subsections (b) and
11 (c).

12 (b) REQUIREMENTS.—

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

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

22 (B) the symbol shall be displayed on the
23 principal display panel and the label notice, or
24 a combination of the label notice and symbol,
25 shall be displayed on a flip lid in a manner that

1 covers at least 8 percent of the surface area of
2 the flip lid.

3 (2) FLEXIBLE FILM PACKAGING.—In the case
4 of a covered product sold in flexible film packaging,
5 and intended to dispense individual wipes—

6 (A) the symbol shall be displayed on the
7 principal display panel and, if the principal display
8 panel is not on the dispensing side of the
9 packaging, on the dispensing side panel; and

10 (B) the label notice shall be displayed on
11 either the principal display panel or the dispensing
12 side panel, in a clear and conspicuous
13 location reasonably visible to the user each time
14 a wipe is dispensed.

15 (3) RIGID PACKAGING.—In the case of a covered
16 product sold in a refillable tub or other rigid
17 packaging that may be reused by a customer, and
18 that is intended to dispense individual wipes, the
19 symbol and label notice shall be displayed on the
20 principal display panel in a clear and conspicuous location
21 reasonably visible to the user each time a
22 wipe is dispensed.

23 (4) PACKAGING NOT INTENDED TO DISPENSE
24 INDIVIDUAL WIPES.—In the case of a covered product
25 sold in packaging that is not intended to dis-

1 pense individual wipes, the symbol and label notice
2 shall be displayed on the principal display panel in
3 a clear and conspicuous location reasonably visible to
4 the user of the covered product.

5 (5) BULK PACKAGING.—

6 (A) IN GENERAL.—In the case of a covered
7 product sold in bulk at retail, the symbol and
8 label notice shall be displayed on both the outer
9 packaging visible at retail and the individual
10 packaging contained within the outer pack-
11 aging.

12 (B) EXEMPTION.—The following shall be
13 exempt from the requirements of subparagraph
14 (A):

15 (i) Individually packaged covered
16 products that are contained within outer
17 packaging, are not intended to dispense in-
18 dividual wipes, and have no retail labeling.

19 (ii) Outer packaging that does not ob-
20 scure the symbol and label notice on indi-
21 vidually packaged covered products con-
22 tained within.

23 (6) PACKAGING OF COMBINED PRODUCTS.—

24 (A) OUTER PACKAGING.—The outer pack-
25 aging of combined products shall be exempt

from the symbol and label notice requirements of subsection (a).

(B) PACKAGES LESS THAN 3 BY 3 INCHES.—In the case of a covered product in packaging smaller than 3 inches by 3 inches (such as an individually packaged wipe in tear-top packaging) and sold as part of a combined product, if a symbol and label notice are placed in a prominent location reasonably visible to the user of the covered product, such covered product shall be considered to be labeled clearly and conspicuously.

(c) REASONABLE VISIBILITY OF SYMBOL AND LABEL NOTICE.—

(1) IN GENERAL.—A covered entity shall ensure that—

(A) packaging seams or folds or other packaging design elements do not obscure the symbol or label notice;

(B) the symbol and label notice are each equal in size to at least 2 percent of the surface area of the principal display panel; and

(C) the symbol and label notice have high contrast with the immediate background of the packaging so that such symbol and label notice

1 may be seen and read by an ordinary individual
2 under customary conditions of purchase and
3 use.

4 (2) PROXIMITY OF SYMBOL AND LABEL NO-
5 TICE.—A covered entity may display a symbol and
6 label notice either adjacent to or on separate areas
7 of the principal display panel.

8 (3) EXCEPTION.—Paragraph (1)(C) does not
9 apply to an embossed symbol or label notice on the
10 flip lid of a covered product sold in cylindrical or
11 near-cylindrical packaging.

12 (d) REPRESENTATIONS OF FLUSHABILITY.—With re-
13 spect to a covered product, a covered entity may not make
14 any express or implied representation that such covered
15 product can or should be flushed.

16 (e) ENFORCEMENT BY FEDERAL TRADE COMMIS-
17 SION.—

18 (1) UNFAIR OR DECEPTIVE ACTS OR PRAC-
19 TICES.—A violation of this section or any regulation
20 promulgated under this section shall be treated as a
21 violation of a regulation under section 18(a)(1)(B)
22 of the Federal Trade Commission Act (15 U.S.C.
23 57a(a)(1)(B)) regarding unfair or deceptive acts or
24 practices.

1 (2) POWERS OF COMMISSION.—The Commis-
2 sion shall enforce this section and any regulations
3 promulgated under this section by the same means,
4 and with the same jurisdiction, powers, and duties,
5 as though all applicable terms and provisions of the
6 Federal Trade Commission Act (15 U.S.C. 41 et
7 seq.) were incorporated into and made a part of this
8 section, and any person who violates this section or
9 any regulation promulgated under this section shall
10 be subject to the penalties and entitled to the privi-
11 leges and immunities provided in the Federal Trade
12 Commission Act.

13 (3) REGULATIONS.—The Commission may pro-
14 mulgate regulations under section 553 of title 5,
15 United States Code, to implement this section. In
16 developing the regulations, the Commission may con-
17 sult with the Administrator of the Environmental
18 Protection Agency, the Commissioner of Food and
19 Drugs, the Consumer Product Safety Commission,
20 or any other agency as appropriate.

21 (4) AUTHORITY PRESERVED.—Nothing in this
22 section may be construed to limit the authority of
23 the Commission under any other provision of law.

24 (f) PREEMPTION OF STATE LAWS.—No State or po-
25 litical subdivision of a State may directly or indirectly es-

1 tablish or continue in effect, under any authority, require-
2 ments with respect to the “Do Not Flush” labeling of cov-
3 ered products that are not identical to the requirements
4 of this section and the regulations promulgated under this
5 section.

6 (g) DEFINITIONS.—In this section:

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

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

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

15 (2) COMMISSION.—The term “Commission”
16 means the Federal Trade Commission.

17 (3) COVERED ENTITY.—The term “covered en-
18 tity” means a manufacturer, wholesaler, supplier, in-
19 dividual or group of individuals, or retailer that is
20 responsible for the labeling or retail packaging of a
21 covered product that is sold or offered for retail sale
22 in the United States.

23 (4) COVERED PRODUCT.—

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

4 (i) that is marketed as a baby wipe or
5 diapering wipe; or

6 (ii) that is a household or personal
7 care wipe (including a wipe described in
8 subparagraph (B)) that—

9 (I) is composed entirely, or in
10 part, of petrochemical-derived fibers;
11 and

12 (II) has significant potential to
13 be flushed.

14 (B) INCLUSIONS.—The wipes described in
15 this subparagraph are—

16 (i) antibacterial wipes and disinfecting
17 wipes;

18 (ii) wipes intended for general purpose
19 cleaning or bathroom cleaning, including
20 toilet cleaning and hard surface cleaning;
21 and

22 (iii) wipes intended for personal care
23 use on the body, including hand sanitizing,
24 makeup removal, feminine hygiene, adult

1 hygiene (including incontinence hygiene),
2 and body cleansing.

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

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

8 (B) has a contrast percentage of at least
9 70 percent between such symbol or label notice
10 and the background, using the formula $(B1 -$
11 $B2) / B1 * 100 = \text{contrast percentage}$, where
12 B1 is the light reflectance value of the lighter
13 area and B2 is the light reflectance value of the
14 darker area.

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

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

22 (A) in the case of a cylindrical or near-cy-
23 lindrical package, the surface area of which
24 constitutes at least 40 percent of the product

1 package, as measured by multiplying the height
2 by the circumference of the package; or

3 (B) in the case of a flexible film package
4 in which a rectangular prism or near-rectan-
5 gular prism stack of wipes is housed within the
6 film, the surface area of which is measured by
7 multiplying the length by the width of the side
8 of the package when the flexible packaging film
9 is pressed flat against the stack of wipes on all
10 sides of the stack.

11 (8) STATE.—The term “State” means each
12 State of the United States, the District of Columbia,
13 and each commonwealth, territory, or possession of
14 the United States.

15 (9) SYMBOL.—The term “symbol” means the
16 “Do Not Flush” symbol, as depicted in the most re-
17 cent edition of the Guidelines for Assessing the
18 Flushability of Disposable Nonwoven Products pub-
19 lished by the Association of the Nonwoven Fabrics
20 Industry (INDA) and the European Disposables
21 And Nonwovens Association (EDANA), or an other-
22 wise equivalent symbol adopted by the Commission
23 through rulemaking under this section.

1 (h) EFFECTIVE DATE.—This section shall apply to
2 a covered entity beginning on the date that is 1 year after
3 the date of the enactment of this Act.

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