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June 28, 2017

Chairman Tom Graves
Financial Services & General
Government Subcommittee
House Committee on Appropriations
Washington, D.C. 20515

Chairman Shelley Moore Capito
Financial Services & General
Government Subcommittee
Senate Committee on Appropriations
Washington, D.C. 20510

Ranking Member Mike Quigley
Financial Services & General
Government Subcommittee
House Committee on Appropriations
Washington, D.C. 20515

Ranking Member Christopher Coons
Financial Services & General
Government Subcommittee
Senate Committee on Appropriations
Washington, D.C. 20510

Dear Chairman Graves, Ranking Member Quigley, Chairman Capito and Ranking Member Coons:

The National Association of Clean Water Agencies (NACWA) represents the interests of nearly 300 publicly owned wastewater treatment agencies across the country, including DC Water, which collectively treat and reclaim the majority of the wastewater generated each day in the United States. Clean water agencies nationwide report increasing problems with wipes products that are flushed into the sewer system but do not break down, resulting in clogged pumps, blocked screens, and accumulation in other wastewater equipment. Utility workers are also placed at significant risk of injury and illness by removing sewage-soaked wipes from equipment. These problems have grown over the last ten years as wipes have become more popular, and are estimated to cost utilities up to \$1 billion each year.

Given the harm, detailed below, that wipes which do not break down cause municipal sewer systems, NACWA strongly supports legislation passed by the District of Columbia, the *Nonwoven Disposable Products Bill of 2016*. NACWA strongly objects to efforts by the wipes industry to insert language impacting this local law into the FY 2018 Appropriations package.

Two problems are associated with wipes:

- Non-flushable wipes are not labeled clearly, so consumers do not know to dispose of them in the trashcan, not the toilet; and
- Wipes currently on the market in the U.S. labeled “flushable” do not actually break down under real conditions in municipal sewer systems. Instead, they stay intact and create serious blockages that cost municipal ratepayers money to address and resolve. In essence, municipal ratepayers subsidize private corporations by paying for removal of products that labeled as “flushable”.

D.C.'s *Nonwoven Disposable Products Bill of 2016* addressed both problems by requiring development of rules for labeling of non-flushable wipes, and real-world standards for flushable wipes. NACWA has worked with INDA, the trade association of the nonwoven fabrics industry, and other wastewater associations on a labeling "Code of Practice" (COP) for non-flushable wipes. While this COP recommends use of a clear "Do Not Flush" logo on non-flushable wipe packages, it is voluntary. The D.C. law makes these industry-recommended labeling practices mandatory for all non-flushable wipe brands being sold in the District.

While the wipes industry argues that the D.C. bill would essentially ban flushable wipe products, this is not the case. The flushability standard has not been determined yet by the D.C. Department of Energy and the Environment (DOEE), and wipe manufacturers will have the opportunity to make wipes that meet the standard set by DOEE. The wipes industry has its own flushability guidelines, but tests conducted by wastewater utilities have determined these guidelines are grossly inadequate. Wipes that meet the industry guidelines for flushability do not break apart after traveling through a typical sewer system for 30 minutes or more, and accumulate in standard wastewater pumps.

The International Water Services Flushability Group (IWSFG), made up of wastewater utilities from around the world, has developed draft flushability standards that will ensure flushable wipes are in fact safe for sewer systems. The draft standards will be published soon for public comment. Many wipes manufactured in Japan will pass these draft standards – exposing a harsh reality for INDA and its members that the technology exists to make truly flushable wipes, but U.S. manufacturers are woefully resistant to adopting it. The D.C. law may be the first step to getting these manufacturers to take responsibility for their products and use the technology that will make "flushable" wipes truly safe to flush.

The wipes industry often cites a 2015 study conducted on materials pulled from New York City's sewer system as evidence that "flushable" wipes are not a problem. This study is an unreliable representation of the situation in sewer systems in D.C. and nationwide, and the wipes industry interprets the results in their favor. The study consisted of an analysis of only two 5-gallon buckets of materials, from a sewer system that serves over 8 million people. The study was also conducted after two days of heavy rainfall, which likely washed additional trash into New York's combined sewer/stormwater system. Finally, the report contains inadequate information about the conditions of the sewer leading up to the collection pipe, so these samples may not be representative of the system as a whole. As stated by the wipes industry, "flushable" wipes comprise about 7% of the consumer wipes market. "Flushable" wipes comprised 4.6% of the wipes collected in the Manhattan sample and 2.5% of the wipes in the Bronx sample, suggesting that potentially one-third to over half of the "flushable" wipes that would be expected in the system did not break down after flushing.

The United States Congress should not support a policy rider that impacts the decisions local elected representatives of the citizens of the District of Columbia made about how to protect their sewer systems. The D.C. wipes law seeks to ensure proper labeling of non-flushable wipes and adequate flushability standards to protect the sewer systems and workers of DC Water. Many more state and local jurisdictions around the United States will be approving similar measures as they come to understand the dangers presented by "flushable" wipes to the invaluable public health and environmental protections provided by municipal sewer systems and clean water utilities. Please contact me or NACWA's Director of Regulatory Affairs, Cynthia Finley, cfinley@nacwa.org or 202-533-1836, if you have any questions.

Sincerely,



Adam Krantz

Chief Executive Officer

202-833-4651 (office) / 202-604-3817 (cell)

akrantz@nacwa.org