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Adam Krantz

August 27, 2019

The Honorable Tom Udall
U.S. Senate
531 Hart Senate Office Building
Washington, D.C. 20510
plastic@tomudall.senate.gov

The Honorable Alan Lowenthal
U.S. House of Representatives
108 Cannon House Office Building
Washington, D.C. 20515
plastic@mail.house.gov

RE: Request for Input on Legislative Outline to Tackle Plastic Waste Pollution Crisis

Dear Senator Udall and Representative Lowenthal,

Thank you for the opportunity for stakeholder input as you draft comprehensive legislation to tackle plastic waste. The National Association of Clean Water Agencies (NACWA) works to ensure a strong, sustainable clean water future. Our membership is comprised of public wastewater and stormwater agencies nationwide – utilities and dedicated public servants who labor every day to ensure that their community’s “waste” water streams are collected, treated, and managed to protect public health and the environment. Many NACWA members also manage their community’s stormwater.

NACWA was pleased to see your effort to draft legislation to prevent plastic pollution from consumer products from getting into food-chains, landscapes, and waterways. Clean water agencies are concerned about plastics that are flushed into the sewer system and washed into stormwater systems. Broken down “microplastics” or “plastic microfibers” can pass through a modern treatment works into receiving waters, causing harm to the aquatic environment. Larger objects containing plastic which were not designed to be flushed, or which do not break down in the wastewater system, typically need to be removed by screens or by hand, often causing significant problems and expense to utilities.

NACWA was particularly interested to read that your legislative outline mentioned obligations for producers related to wet wipes among other single-use plastics. In recent years, as the use of wet wipes has grown for everything from baby care to personal adult hygiene to household cleaning, utilities have faced increasing problems with wet wipes entering wastewater systems. Wet wipes are a classic example of a single-use product, and most single-use wipes for cleaning and baby care are made from plastic. While these products may not be intended to be flushed, utilities frequently find these non-flushable wipes in their systems.

Clear labeling of wet wipes that are plastic-containing would help consumers understand that the product is not intended to be flushed. Given the strong public concern in keeping plastics out of our waterways, we believe clear labeling of wipes as to whether they contain plastic and whether they are flushable could help both clear up the confusion consumers are experiencing around certain wipes products and also prevent these wipes from being inappropriately flushed into public sewer systems. This is truly an area where public education could have an impact – as Congress saw in its successful passage of the microbeads ban in the 114th Congress, there is significant public understanding that plastic-based products should not be used once and flushed out to our waterways.

Many other plastic-containing consumer products – such as dental flossers, feminine hygiene products, and condoms – are frequently flushed, contributing to the problems experienced by utilities. It appears plastics from these products could be addressed in one or more provisions included in your legislative outline:

- *Labeling requirements*: consumer products made from plastic will require a clear and standardized labelling which indicates how waste should be disposed and the presence of plastics in the products;
- *Obligations for producers*: including encouraging development of more sustainable alternatives;
- *Plastic ban of certain products*: where alternatives are readily available and affordable, with exceptions for persons with disabilities until safe and adequate alternatives are developed, as outlined in your proposal.

Across the country, public clean water agencies are spending valuable and limited public dollars to dispose of improperly flushed plastic-containing products. We appreciate your efforts to work with all stakeholders toward solutions that reduce plastic waste and make the marketplace more accountable and sustainable.

Beyond the issues highlighted above, as partners in clean water NACWA broadly encourages your efforts to reduce plastic pollution to our waterways. Many utilities are engaged in local efforts to reduce trash entering waterways through stormwater or other forms of litter transport, and the presence of trash including persistent plastic items detracts from the public's use and enjoyment of their local water resources.

We would be pleased to work with your office more on this issue. Please contact Kristina Surfus, NACWA's Director of Legislative Affairs, at ksurfus@nacwa.org or 202-833-4655 to discuss.

Kristina Surfus
Director, Legislative Affairs