

AN ACT

D.C. ACT 21-604

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 6, 2017

To prohibit a manufacturer of nonwoven disposable products for sale in the District from labeling nonwoven disposable products as safe to flush, safe for sewer systems, or safe for septic systems, unless the nonwoven disposable product is flushable, to require a manufacturer of a nonwoven disposable product for sale in the District that is not flushable to label the nonwoven disposable product to communicate that it should not be flushed, to authorize the Department of Energy and Environment to issue rules to implement the provisions of this act, to authorize the Mayor to issue civil fines and penalties for violations of this act, and to give the Attorney General for the District of Columbia the authority to seek injunctive relief for violations of this act.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Nonwoven Disposable Products Act of 2016".

Sec. 2. Definitions.

For the purposes of this act, the term:

- (1) "Flushable" means a nonwoven disposable product that:
 - (A) Disperses in a short period of time after flushing in the low-force conditions of a sewer system;
 - (B) Is not buoyant; and
 - (C) Does not contain plastic or any other material that does not readily degrade in a range of natural environments.
- (2) "Label" means to represent by statement, word, picture, design, or emblem on the packaging of a nonwoven disposable product.
- (3) "Nonwoven disposable product" means a product constructed from nonwoven sheets, including moist toilet tissue or cloth, that is designed, marketed, or commonly used for personal hygiene purposes.

Sec. 3. Labeling of nonwoven disposable products.

(a) After January 1, 2018, a manufacturer of a nonwoven disposable product for sale in the District shall not label the nonwoven disposable product as safe to flush, safe for sewer systems, or safe for septic systems, unless the nonwoven disposable product is flushable.

(b) After January 1, 2018, a manufacturer of a nonwoven disposable product for sale in the District that is not flushable must clearly and conspicuously label the nonwoven disposable product to communicate that the nonwoven disposable product should not be flushed.

Sec. 4. Enforcement.

(a) The Mayor may impose civil fines and penalties as sanctions for violations of the provisions of this act or any rules issued pursuant to this act, pursuant to the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985, effective October 5, 1985 (D.C. Law 6-42; D.C. Official Code § 2-1801.01 *et seq.*) (“Civil Infractions Act”). Enforcement and adjudication of an infraction shall be pursuant to the Civil Infractions Act.

(b) In addition to the enforcement authority provided in subsection (a) of this section, the Attorney General for the District of Columbia may seek injunctive relief or other appropriate remedy in any court of competent jurisdiction to enforce compliance with this act.

Sec. 5. Rules.

The Department of Energy and Environment, pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), shall issue rules to implement the provisions of this act, including rules to interpret section 2(2); provided, that rules to interpret section 2(2) shall be made in consultation with the District of Columbia Water and Sewer Authority.

Sec. 6. Construction.

A violation of this act shall not be a violation of Chapter 39 of Title 28 of the District of Columbia Official Code.

Sec. 7. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 8. Effective date.

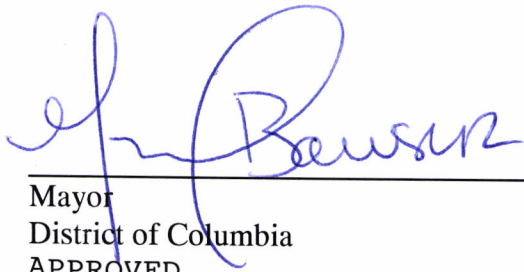
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of congressional review as

ENROLLED ORIGINAL

provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
January 6, 2017



COUNCIL OF THE DISTRICT OF COLUMBIA
WASHINGTON, D.C. 20004

Docket No. **B21-833**

ITEM ON CONSENT CALENDAR

ACTION & DATE

ADOPTED FIRST READING, 11/15/2016

VOICE VOTE

RECORDED VOTE ON REQUEST

APPROVED

ABSENT

ROLL CALL VOTE - Result

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Mendelson	X				Evans	X				Silverman	X			
Alexander	X				Grosso	X				Todd	X			
Allen	X				May	X				White	X			
Bonds	X				McDuffie	X								
Cheh	X				Nadeau	X								
X - Indicate Vote					AB - Absent					NV - Present, Not Voting				

CERTIFICATION RECORD

Secretary to the Council

12-19-16

Date

ITEM ON CONSENT CALENDAR

ACTION & DATE

ADOPTED FINAL READING, 12/06/2016

VOICE VOTE

RECORDED VOTE ON REQUEST

APPROVED

ABSENT

ROLL CALL VOTE - Result

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Mendelson	X				Evans	X				Silverman	X			
Alexander	X				Grosso	X				Todd	X			
Allen	X				May	X				White	X			
Bonds	X				McDuffie	X								
Cheh	X				Nadeau	X								
X - Indicate Vote					AB - Absent					NV - Present, Not Voting				

CERTIFICATION RECORD

Secretary to the Council

12-19-16

Date

ITEM ON CONSENT CALENDAR

ACTION & DATE

VOICE VOTE

RECORDED VOTE ON REQUEST

ABSENT

ROLL CALL VOTE - Result

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Mendelson					Evans					Silverman				
Alexander					Grosso					Todd				
Allen					May					White				
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CERTIFICATION RECORD

Secretary to the Council

Date