

Calendar No. 166

119TH CONGRESS
1ST SESSION**S. 1092****[Report No. 119–63]**

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

IN THE SENATE OF THE UNITED STATES

MARCH 24, 2025

Mr. MERKLEY (for himself, Ms. COLLINS, Mr. BLUMENTHAL, Mr. KING, Mr. MARKEY, Mrs. MURRAY, Mr. PADILLA, Mr. WYDEN, Mrs. SHAHEEN, and Ms. WARREN) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

SEPTEMBER 19 (legislative day, SEPTEMBER 16), 2025

Reported by Mr. CRUZ, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italie*]

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,*

1 **SECTION 1. SHORT TITLE.**

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

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

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

10 (b) REQUIREMENTS.—

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

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

20 (B) the symbol shall be displayed on the
21 principal display panel and the label notice, or
22 a combination of the label notice and symbol,
23 shall be displayed on a flip lid in a manner that
24 covers at least 8 percent of the surface area of
25 the flip lid.

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

4 (A) the symbol shall be displayed on the
5 principal display panel and, if the principal dis-
6 play panel is not on the dispensing side of the
7 packaging, on the dispensing side panel; and

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

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

21 (4) PACKAGING NOT INTENDED TO DISPENSE
22 INDIVIDUAL WIPES.—In the case of a covered prod-
23 uct sold in packaging that is not intended to dis-
24 pense individual wipes, the symbol and label notice
25 shall be displayed on the principal display panel in

1 a clear and conspicuous location reasonably visible to
2 the user of the covered product.

3 ~~(5) BULK PACKAGING.—~~

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

10 ~~(B) EXEMPTION.—~~The following shall be
11 exempt from the requirements of subparagraph
12 ~~(A):~~

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

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

21 ~~(6) PACKAGING OF COMBINED PRODUCTS.—~~

22 ~~(A) OUTER PACKAGING.—~~The outer pack-
23 aging of combined products shall be exempt
24 from the symbol and label notice requirements
25 of subsection (a).

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

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

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

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

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

21 ~~(C)~~ the symbol and label notice have high
 22 contrast with the immediate background of the
 23 packaging so that such symbol and label notice
 24 may be seen and read by an ordinary individual

1 under customary conditions of purchase and
2 use.

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

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

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

15 ~~(e) ENFORCEMENT BY FEDERAL TRADE COMMISS-~~
16 ~~SION.—~~

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

24 ~~(2) POWERS OF COMMISSION.—~~The Commis-
25 sion shall enforce this section and any regulations

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

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

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

22 (f) PREEMPTION OF STATE LAWS.—No State or po-
 23 litical subdivision of a State may directly or indirectly es-
 24 tablish or continue in effect, under any authority, require-
 25 ments with respect to the “Do Not Flush” labeling of cov-

1 ered products that are not identical to the requirements
 2 of this section and the regulations promulgated under this
 3 section.

4 ~~(g)~~ DEFINITIONS.—In this section:

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

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

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

13 (2) COMMISSION.—The term “Commission”
 14 means the Federal Trade Commission.

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

21 (4) COVERED PRODUCT.—

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

1 (i) that is marketed as a baby wipe or
2 diapering wipe; or

3 (ii) that is a household or personal
4 care wipe (including a wipe described in
5 subparagraph (B)) that—

6 (I) is composed entirely, or in
7 part, of petrochemical-derived fibers;
8 and

9 (II) has significant potential to
10 be flushed.

11 (B) INCLUSIONS.—The wipes described in
12 this subparagraph are—

13 (i) antibacterial wipes and disinfecting
14 wipes;

15 (ii) wipes intended for general purpose
16 cleaning or bathroom cleaning, including
17 toilet cleaning and hard surface cleaning;
18 and

19 (iii) wipes intended for personal care
20 use on the body, including hand sanitizing,
21 makeup removal, feminine hygiene, adult
22 hygiene (including incontinence hygiene),
23 and body cleansing.

(5) HIGH CONTRAST.—The term “high contrast” means, with respect to the symbol or label notice, that such symbol or label notice—

(A) is either light on a solid dark background or dark on a solid light background; and

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

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

(7) PRINCIPAL DISPLAY PANEL.—The term “principal display panel” means the side of a product package that is most likely to be displayed, presented, or shown under customary conditions of display for retail sale, and—

(A) in the case of a cylindrical or near-cylindrical package, the surface area of which constitutes at least 40 percent of the product package, as measured by multiplying the height by the circumference of the package; or

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

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

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

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

1 **SECTION 1. SHORT TITLE.**

2 *This Act may be cited as the “Wastewater Infrastruc-*
 3 *ture Pollution Prevention and Environmental Safety Act”*
 4 *or the “WIPPEs Act”.*

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

6 *(a) IN GENERAL.—A covered entity shall label a cov-*
 7 *ered product with the label notice and symbol, in accord-*
 8 *ance with subsections (b) and (c).*

9 *(b) REQUIREMENTS.—*

10 *(1) CYLINDRICAL PACKAGING.—In the case of a*
 11 *covered product sold in cylindrical or near-cylin-*
 12 *drical packaging, and intended to dispense individual*
 13 *wipes—*

14 *(A) the symbol and label notice shall be dis-*
 15 *played on the principal display panel in a clear*
 16 *and conspicuous location reasonably visible to*
 17 *the user each time a wipe is dispensed; or*

18 *(B) the symbol shall be displayed on the*
 19 *principal display panel and the label notice, or*
 20 *a combination of the label notice and symbol,*
 21 *shall be displayed on a flip lid in a manner that*
 22 *covers at least 8 percent of the surface area of the*
 23 *flip lid.*

24 *(2) FLEXIBLE FILM PACKAGING.—In the case of*
 25 *a covered product sold in flexible film packaging, and*
 26 *intended to dispense individual wipes—*

1 (A) the symbol shall be displayed on the
 2 principal display panel and, if the principal
 3 display panel is not on the dispensing side of the
 4 packaging, on the dispensing side panel; and

5 (B) the label notice shall be displayed on ei-
 6 ther the principal display panel or the dis-
 7 pensing side panel, in a clear and conspicuous
 8 location reasonably visible to the user each time
 9 a wipe is dispensed.

10 (3) *RIGID PACKAGING.*—In the case of a covered
 11 product sold in a refillable tub or other rigid pack-
 12 aging that may be reused by a customer, and that is
 13 intended to dispense individual wipes, the symbol and
 14 label notice shall be displayed on the principal dis-
 15 play panel in a clear and conspicuous location rea-
 16 sonably visible to the user each time a wipe is dis-
 17 pensed.

18 (4) *PACKAGING NOT INTENDED TO DISPENSE IN-*
 19

DIVIDUAL WIPES.

—In the case of a covered product
 20 sold in packaging that is not intended to dispense in-
 21 dividual wipes, the symbol and label notice shall be
 22 displayed on the principal display panel in a clear
 23 and conspicuous location reasonably visible to the
 24 user of the covered product.

25 (5) *BULK PACKAGING.*—

1 (A) *IN GENERAL.*—*In the case of a covered*
 2 *product sold in bulk at retail, the symbol and*
 3 *label notice shall be displayed on both the outer*
 4 *packaging visible at retail and the individual*
 5 *packaging contained within the outer packaging.*

6 (B) *EXEMPTION.*—*The following shall be ex-*
 7 *empt from the requirements of subparagraph (A):*

8 (i) *Individually packaged covered*
 9 *products that are contained within outer*
 10 *packaging, are not intended to dispense in-*
 11 *dividual wipes, and have no retail labeling.*

12 (ii) *Outer packaging that does not ob-*
 13 *scure the symbol and label notice on indi-*
 14 *vidually packaged covered products con-*
 15 *tained within.*

16 (6) *PACKAGING OF COMBINED PRODUCTS.*—

17 (A) *OUTER PACKAGING.*—*The outer pack-*
 18 *aging of combined products shall be exempt from*
 19 *the symbol and label notice requirements of sub-*
 20 *section (a).*

21 (B) *PACKAGES LESS THAN 3 BY 3*
 22 *INCHES.*—*In the case of a covered product in*
 23 *packaging smaller than 3 inches by 3 inches*
 24 *(such as an individually packaged wipe in tear-*
 25 *top packaging) and sold as part of a combined*

1 *product, if a symbol and label notice are placed*
 2 *in a prominent location reasonably visible to the*
 3 *user of the covered product, such covered product*
 4 *shall be considered to be labeled clearly and con-*
 5 *spicuously.*

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

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

10 *(A) packaging seams or folds or other pack-*
 11 *aging design elements do not obscure the symbol*
 12 *or label notice;*

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

16 *(C) the symbol and label notice have high*
 17 *contrast with the immediate background of the*
 18 *packaging so that such symbol and label notice*
 19 *may be seen and read by an ordinary individual*
 20 *under customary conditions of purchase and use.*

21 *(2) PROXIMITY OF SYMBOL AND LABEL NO-*
 22 *TICE.—A covered entity may display a symbol and*
 23 *label notice either adjacent to or on separate areas of*
 24 *the principal display panel.*

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

5 (d) *REPRESENTATIONS OF FLUSHABILITY.—With re-*
 6 *spect to a covered product, a covered entity may not make*
 7 *any express or implied representation that such covered*
 8 *product can or should be flushed.*

9 (e) *ENFORCEMENT BY FEDERAL TRADE COMMIS-*
 10 *SION.—*

11 (1) *UNFAIR OR DECEPTIVE ACTS OR PRAC-*
 12 *TICES.—A violation of this section shall be treated as*
 13 *a violation of a rule defining an unfair or deceptive*
 14 *act or practice prescribed under section 18(a)(1)(B) of*
 15 *the Federal Trade Commission Act (15 U.S.C.*
 16 *57a(a)(1)(B)).*

17 (2) *POWERS OF COMMISSION.—The Commission*
 18 *shall enforce this section in the same manner, by the*
 19 *same means, and with the same jurisdiction, powers,*
 20 *and duties as though all applicable terms and provi-*
 21 *sions of the Federal Trade Commission Act (15*
 22 *U.S.C. 41 et seq.) were incorporated into and made*
 23 *a part of this section.*

24 (3) *PRIVILEGES AND IMMUNITIES.—Any person*
 25 *who violates this section shall be subject to the pen-*

1 *alties and entitled to the privileges and immunities*
 2 *provided in the Federal Trade Commission Act (15*
 3 *U.S.C. et seq.).*

4 (4) *AUTHORITY PRESERVED.—Nothing in this*
 5 *section shall be construed to limit the authority of the*
 6 *Commission under any other provision of law.*

7 (f) *COMMISSION GUIDANCE.— Not later than 180 days*
 8 *after the date of enactment of this Act, the Commission, in*
 9 *consultation with the Administrator of the Environmental*
 10 *Protection Agency, the Commissioner of Food and Drugs,*
 11 *the Consumer Product Safety Commission, and any other*
 12 *agency determined appropriate by the Commission, shall*
 13 *issue guidance to assist covered entities in complying with*
 14 *the requirements of this section.*

15 (g) *LIMITATION ON COMMISSION GUIDANCE.—*

16 (1) *IN GENERAL.—No guidance issued by the*
 17 *Commission with respect to this section shall—*

18 (A) *confer any rights on any person, State,*
 19 *or locality; or*

20 (B) *bind the Commission or any person to*
 21 *the approach recommended in such guidance.*

22 (2) *SPECIFIC VIOLATIONS.—In any enforcement*
 23 *action brought under this section, the Commission*
 24 *shall allege a specific violation of a provision of this*
 25 *section.*

1 (3) *NO ENFORCEMENT ACTIONS BASED ON GUID-*
 2 *ANCE.—The Commission may not base an enforce-*
 3 *ment action on, or execute a consent order based on,*
 4 *practices that are alleged to be inconsistent with any*
 5 *guidance issued under this Act, unless the practices*
 6 *allegedly violate this section.*

7 (h) *PREEMPTION OF STATE LAWS.—No State or polit-*
 8 *ical subdivision of a State may directly or indirectly estab-*
 9 *lish or continue in effect, under any authority, requirements*
 10 *with respect to the “Do Not Flush” labeling of covered prod-*
 11 *ucts that are not identical to the requirements of this sec-*
 12 *tion.*

13 (i) *DEFINITIONS.—In this section:*

14 (1) *COMBINED PRODUCT.—The term “combined*
 15 *product” means two or more products sold in shared*
 16 *retail packaging, of which—*

17 (A) *at least one of the products is a covered*
 18 *product; and*

19 (B) *at least one of the products is another*
 20 *consumer product intended to be used in com-*
 21 *bination with such covered product.*

22 (2) *COMMISSION.—The term “Commission”*
 23 *means the Federal Trade Commission.*

24 (3) *COVERED ENTITY.—The term “covered enti-*
 25 *ty” means a manufacturer, wholesaler, supplier, indi-*

vidual or group of individuals, or retailer that is responsible for the labeling or retail packaging of a covered product that is sold or offered for retail sale within the United States.

(4) COVERED PRODUCT.—

(A) IN GENERAL.—The term “covered product” means a premoistened, nonwoven disposable wipe sold or offered for retail sale—

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

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

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

(II) has significant potential to be flushed.

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

(i) antibacterial wipes and disinfecting wipes;

(ii) wipes intended for general purpose cleaning or bathroom cleaning, including

1 toilet cleaning and hard surface cleaning;
2 and

3 (iii) wipes intended for personal care
4 use on the body, including hand sanitizing,
5 makeup removal, feminine hygiene, adult
6 hygiene (including incontinence hygiene),
7 and body cleansing.

8 (5) *HIGH CONTRAST*.—The term “high contrast”
9 means, with respect to the symbol or label notice, that
10 such symbol or label notice—

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

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

18
19 (6) *LABEL NOTICE*.—The term “label notice”
20 means the written phrase “Do Not Flush”.

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

1 (A) *in the case of a cylindrical or near-cy-*
 2 *lindrical package, the surface area of which con-*
 3 *stitutes at least 40 percent of the product pack-*
 4 *age, as measured by multiplying the height by*
 5 *the circumference of the package; or*

6 (B) *in the case of a flexible film package in*
 7 *which a rectangular prism or near-rectangular*
 8 *prism stack of wipes is housed within the film,*
 9 *the surface area of which is measured by multi-*
 10 *plying the length by the width of the side of the*
 11 *package when the flexible packaging film is*
 12 *pressed flat against the stack of wipes on all*
 13 *sides of the stack.*

14 (8) *STATE.*—*The term “State” means each State*
 15 *of the United States, the District of Columbia, and*
 16 *each commonwealth, territory, or possession of the*
 17 *United States.*

18 (9) *SYMBOL.*—*The term “symbol” means the “Do*
 19 *Not Flush” symbol, as depicted in the most recent edi-*
 20 *tion of the Guidelines for Assessing the Flushability*
 21 *of Disposable Nonwoven Products published by the*
 22 *Association of the Nonwoven Fabrics Industry*
 23 *(INDA) and the European Disposables And*
 24 *Nonwovens Association (EDANA).*

1 (j) *EFFECTIVE DATE.*—*This section shall apply to a*
2 *covered entity beginning on the date that is 1 year after*
3 *the date of the enactment of this Act and shall not apply*
4 *to any covered product packaged or sold before such date.*

Calendar No. 166

119TH CONGRESS
1ST Session

S. 1092

[Report No. 119-63]

A BILL

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

SEPTEMBER 19 (legislative day, SEPTEMBER 16), 2025
Reported with an amendment