



125th MAINE LEGISLATURE

FIRST REGULAR SESSION-2011

Legislative Document

No. 781

H.P. 588

House of Representatives, March 1, 2011

**An Act To Establish Flushability Standards for Consumer Products
Advertised as Flushable**

Reference to the Committee on Environment and Natural Resources suggested and ordered printed.

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST
Clerk

Presented by Representative WALSH INNES of Yarmouth.
Cosponsored by Representatives: AYOTTE of Caswell, CHIPMAN of Portland, EVES of North Berwick, MARTIN of Eagle Lake, THERIAULT of Madawaska, TILTON of Harrington, WILLETTE of Presque Isle.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 38 MRSA §1611** is enacted to read:

3 **§1611. Flushable consumer products**

4 **1. Definitions.** As used in this section, unless the context otherwise indicates,
5 "flushable" means, with regard to a product, that it is able to clear toilets and properly
6 maintained drainage pipe systems under expected product usage conditions. A product is
7 flushable if it is compatible with wastewater conveyance, treatment, reuse and disposal
8 systems, becomes unrecognizable in a reasonable period of time and is safe in the natural
9 receiving environment.

10 **2. Packaging and labeling.** Unless a product is flushable and meets the acceptance
11 criteria for flushability as published in the Guidance Document for Assessing the
12 Flushability of Nonwoven Consumer Products, published by the Association of the
13 Nonwoven Fabrics Industry in effect on January 1, 2011, after December 31, 2011 a
14 person may not package or label a consumer product for distribution or sale in the State if
15 the package or label states that the product is flushable or safe for sewer and septic
16 systems.

17 **3. Testing documentation.** A person who packages or labels a consumer product
18 for distribution or sale in the State in a package or with a label that states that the product
19 is flushable or safe for sewer and septic systems shall maintain written documentation:

20 A. Of testing that substantiates that the product meets the acceptance criteria for
21 flushability as published in the Guidance Document for Assessing the Flushability of
22 Nonwoven Consumer Products, published by the Association of the Nonwoven
23 Fabrics Industry in effect on January 1, 2011; and

24 B. That the testing under paragraph A has been performed by a laboratory that is
25 capable of performing and qualified to perform the testing.

26 **4. Exemptions.** The provisions of this section do not apply to:

27 A. A wholesaler or retailer that distributes or sells but does not package or label
28 flushable consumer products; and

29 B. Liquid, gel or powder cleaning products or septic treatment products.

30 **5. Penalty.** A person who violates the provisions of this section commits a civil
31 violation for which a fine of not more than \$2,500 per day may be adjudged.

32 **6. Rulemaking.** The department shall adopt rules to implement this section. Rules
33 adopted pursuant to this subsection are routine technical rules as defined in Title 5,
34 chapter 375, subchapter 2-A.

35 **SUMMARY**

36 This bill prohibits the packaging or labeling of consumer products for distribution or
37 sale in the State if the package or label states that the product is flushable or safe for

1 sewer and septic systems unless the product meets the acceptance criteria for flushability
2 as published in the Guidance Document for Assessing the Flushability of Nonwoven
3 Consumer Products, published by the Association of the Nonwoven Fabrics Industry in
4 effect on January 1, 2011.