

SENATE No.

The Commonwealth of Massachusetts

PRESENTED BY:

James B. Eldridge

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act protecting wastewater and sewerage systems through the labeling of non-flushable wipes.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	
<i>Steven Owens</i>	<i>29th Middlesex</i>	<i>1/27/2025</i>

SENATE No.

[Pin Slip]

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 480 OF 2023-2024.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Fourth General Court
(2025-2026)**

An Act protecting wastewater and sewerage systems through the labeling of non-flushable wipes.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 94 of the General Laws, as appearing in the 2024 Official Edition,
2 is hereby amended by adding the following sections:

3 Section 330. (a) For the purposes of sections 330 to 333, inclusive, the following
4 words and phrases shall have the following meanings:

5 “Covered entity”, means the manufacturer of a covered product that is sold in this state or
6 offered for sale in the state. “Covered entity” includes a wholesaler, supplier or retailer that is
7 responsible for the labeling or packaging of a covered product.

8 “Covered product”, means a consumer product sold in the state or offered for sale in the
9 state that is either a premoistened nonwoven disposable wipe marketed as a baby wipe or
10 diapering wipe or a premoistened nonwoven disposable wipe that is both of the following: (a)

11 composed entirely of or in part of petrochemical-derived fibers; and (b) likely to be used in a
12 bathroom and has significant potential to be flushed, including baby wipes, bathroom cleaning
13 wipes, toilet cleaning wipes, hard surface cleaning wipes, disinfecting wipes, hand sanitizing
14 wipes, antibacterial wipes, facial and makeup removal wipes, general purpose cleaning wipes,
15 personal care wipes for use on the body, feminine hygiene wipes, adult incontinence wipes, adult
16 hygiene wipes, and body cleansing wipes.

17 “High contrast” means satisfying both of the following conditions: (a) is provided by
18 either a light symbol on a solid dark background or a dark symbol on a solid light background;
19 (b) has at least 70 percent contrast between the symbol artwork and background using the
20 following formula: $(B1-B2)/b1*100=$ contrast percentage, where B1= the light reflectance value
21 of the lighter area and B2 = the light reflectance value of the darker area.

22 “Label notice” means the phrase “Do Not Flush” and the type size of the label notice
23 shall be equal to at least 2 percent of the surface area of the principal display panel in size. For
24 covered products regulated pursuant to the Federal Hazardous Substances Act, (15 U.S.C. §§
25 1261 et seq.) by the United States Consumer Product Safety Commission under Section
26 1500.121 of Title 16 of the Code of Federal Regulations, if the label notice would result in a type
27 size larger than first aid instructions pursuant to the Federal Hazardous Substances Act, the type
28 size for the label notice shall, to the extent permitted by federal law, be equal to or greater than
29 the type size required for the first aid instructions. For covered products required to be registered
30 by the United States Environmental Protection Agency under the Federal Insecticide, Fungicide,
31 and Rodenticide Act (FIFRA), 7 U.S.C. §§ 136 et. seq., if the label notice would result in a type
32 size on the principal display panel larger than a warning pursuant to FIFRA, then the type size

33 for the label notice shall, to the extent permitted by federal law, be equal to or greater than the
34 type size required for the “keep out of reach of children” statement under FIFRA.

35 “Principal display panel” means the side of the product package that is most likely to be
36 displayed, presented or shown under customary conditions of display for retail sale. In the case
37 of a cylindrical or nearly cylindrical package, the surface area of the principal display panel
38 constitutes 40 per cent of the product package as measured by multiplying the height of the
39 container times the circumference. In the case of a flexible film package, in which a rectangular
40 prism or nearly rectangular prism stack of wipes is housed within such film, the surface area of
41 the principal display panel is measured by multiplying the length times the width of the side of
42 the package when the flexible packaging film is pressed flat against the stack of wipes on all
43 sides of the stack.

44 “Symbol” means the “Do Not Flush” symbol, or a gender equivalent thereof, as depicted
45 in the INDA/EDANA Code of Practice Second Edition and published within “Guidelines for
46 Assessing the Flushability of Disposable Nonwoven Products,” Edition 4, May 2018.

47 Section 331. Labeling

48 (a) The symbol shall be sized equal to at least 2 per cent of the surface area of the
49 principal display panel, except as specified in provided in clause (iii) of subparagraph (B) of
50 paragraph (1) of subsection (b) of Section 1.

51 (b) Except as provided in subsections (c), (d), (e), and (g), a covered product
52 manufactured on or after July 1, 2027, shall be labeled clearly and conspicuously in adherence
53 with the following labeling requirements:

54 (1) In the case of cylindrical or near-cylindrical packaging intended to dispense
55 individual wipes, a covered entity shall comply with one of the following options: (A) Place the
56 symbol and label notice on the principal display panel in a location reasonably viewable each
57 time a wipe is dispensed. (B) Place the symbol on the principal display panel, and either the
58 symbol or label notice, or the symbol and label notice in combination, on the flip lid, subject to
59 the following: (i) If the label notice does not appear on the flip lid, the label notice shall be
60 placed on the principal display panel. (ii) The symbol or label notice, or the symbol and label
61 notice in combination, on the flip lid may be embossed and in that case are not required to
62 comply with paragraph (6). (iii) The symbol or label notice, or the symbol and label notice in
63 combination, on the flip lid shall cover a minimum of 8 percent of the surface area of the flip lid.

64 (2) In the case of flexible film packaging intended to dispense individual wipes, a
65 covered entity shall place the symbol on the principal display panel and dispensing side panel
66 and place the label notice on either the principal display panel of dispensing side panel in a
67 prominent location reasonably visible to the user each time a wipe is dispensed. If the principal
68 display panel is on the dispensing side of the package, two symbols are not required.

69 (3) In the case of refillable tubs or other rigid packaging intended to dispense individual
70 wipes and be reused by the consumer for that purpose, a covered entity shall place the symbol
71 and label notice on the principal display panel in a prominent location reasonably visible to the
72 user each time a wipe is dispensed.

73 (4) In the case of packaging not intended to dispense individual wipes, a covered entity
74 shall place the symbol and label notice on the principal display panel in a prominent and
75 reasonably visible location.

76 (5) A covered entity shall ensure the packaging seams, folds, or other package design
77 elements to not obscure the symbol or the label notice.

78 (6) A covered entity shall ensure the symbol and label notice have sufficiently high
79 contrast with the immediate background of the packaging to render it likely to be seen and read
80 by the ordinary individual under customary conditions of purchase and use.

81 (c) For covered products sold in bulk at retail, both the outer package visible at retail and
82 the individual packages contained within shall comply with the labeling requirements in
83 subsection (b) applicable to the particular packaging types, except the following:

84 (1) Individual packages contained within the outer package that are not intended to
85 dispense individual wipes and contain no retail labeling.

86 (2) Outer packages that do not obscure the symbol and label notice on individual
87 packages contained within.

88 (d) If a covered product is provided within the same packaging as another consumer
89 product for use in combination with the other product, the outside retail packaging of the other
90 consumer product does not need to comply with the labeling requirements of subsection (b).

91 (e) If a covered product is provided within the same package as another consumer
92 product for use in combination with the other product and is in a package smaller than three
93 inches by three inches, the covered entity may comply with the requirements of subsection (b) by
94 placing the symbol and label notice in a prominent location reasonably visible to the user of the
95 covered product.

96 (f) A covered entity, directly or through a corporation, partnership, subsidiary, division,
97 trade name, or association in connection to the manufacturing, labeling, packaging, advertising,
98 promotion, offering for sale, sale, or distribution of a covered product, shall not make any
99 representation, in any manner, expressly or by implication, including through the use of a
100 product name, endorsement, depiction, illustration, trademark, or trade name, about the flushable
101 attributes, flushable benefits, flushable performance, or flushable efficacy of a covered product.

102 (g) (1) If a covered product is required to be registered by the United States
103 Environmental Protection Agency under the Federal Insecticide, Fungicide, and Rodenticide Act
104 (7 U.S.C. Sec. 136 et seq.) and the Department of Pesticide Regulation under Division 6
105 (commencing with Section 11401) of the Food and Agricultural Code, then the covered entity
106 shall submit a label compliant with the labeling requirements of subsection (b) no later than
107 January 1, 2027, to the United States Environmental Protection Agency, and upon its approval,
108 to the Department of Pesticide Regulation.

109 (2) If the United States Environmental Protection Agency or the Department of Pesticide
110 Regulation does not approve a product label that otherwise complies with the labeling
111 requirements of subsection (b), the covered entity shall use a label with as many of the
112 requirements of this section as the relevant agency has approved.

113 (h) A covered entity may include on a covered product words or phrases in addition to
114 those required for the label notice if the words or phrases are consistent with the purposes of this
115 part.

116 Section 332. Massachusetts Consumer Education and Outreach Program

117 (a) The Massachusetts Consumer Education and Outreach Program is hereby established.
118 As part of the program, covered entities, in collaboration with other covered entities, shall do all
119 of the following:

120 (1) Participate in a collection study conducted in collaboration with wastewater agencies
121 for the purpose of gaining understanding of consumer behavior regarding the flushing of covered
122 products as a key input into the design of a consumer education and outreach program. The
123 collection study shall be jointly coordinated by the Massachusetts Department of Environmental
124 Protection and a group of covered entities, including, but not limited to: Massachusetts Water
125 Resources Authority and Greater Lawrence Sewer District.

126 (2) Conduct a consumer opinion survey to identify baseline consumer behavior and
127 awareness regarding the flushing or other disposal of covered products.

128 (3) Measure effectiveness of the consumer education program on consumer awareness of
129 the symbol and label notice and consumer attitudes about disposal of covered products by
130 conducting a subsequent consumer awareness survey comparing the baseline data provided by
131 the 2022 survey with survey data from subsequent years. The surveys to determine the
132 effectiveness and ongoing success of the consumer education program shall take place annually
133 until December 31, 2037.

134 (b) Covered entities, either independently or in collaboration with other covered entities
135 or other organizations, shall conduct a comprehensive multimedia education and outreach
136 program in the state. At a minimum, the education and outreach program shall do both of the
137 following:

138 (1) Promote consumer awareness and understanding of and compliance with the symbol
139 and label notice requirements. Covered entities shall provide wastewater agencies with the
140 consumer education messaging for the symbol and the label notice. The wastewater agencies
141 may include the messaging as part of their routine communications with customers within their
142 service area.

143 (2) Provide education and outreach in Spanish and English.

144 (c) Covered entities shall take reasonable steps to ensure that they do not promote
145 products outside of the scope of this part as part of the education and outreach program.

146 (d) Covered entities shall take reasonable steps to ensure that their education and
147 outreach program does not conflict with the programs of other covered entities or groups of
148 covered entities.

149 (e) Covered entities, either independently or in collaboration with other covered entities,
150 shall report to the Joint Committee on the Environment and Natural Resources and the Water
151 Resources Commission on their activities under this section on an annual basis. The Water
152 Resources Commission shall post the reports on its internet website.

153 (f) The Massachusetts Consumer Education and Outreach Program shall conclude on
154 December 31, 2037.

155 (g) This section shall remain in effect only until January 1, 2038, and as of that date is
156 repealed.

157 Section 333. Enforcement

158 (a) The department of environmental protection has authority to enforce this section and
159 to collect civil penalties for a violation of this section, subject to the conditions in this subsection.
160 Whoever violates this section may be enjoined in any court of competent jurisdiction. Whoever
161 violates this section may be liable for a civil penalty not to exceed \$2,500 for each violation. The
162 civil penalty may be assessed and recovered in a civil action brought in any court of competent
163 jurisdiction. A specific violation is deemed to have occurred upon the sale of a noncompliant
164 product package. The repeated sale of the same noncompliant product package is considered part
165 of the same, single violation.

166 (b) In assessing the amount of a civil penalty for a violation of this section, the
167 court shall consider:

168 (1) The nature, circumstances, extent, and gravity of the violation;

169 (2) The violator's past and present efforts to prevent, abate, or clean up conditions posing
170 a threat to the public health or safety or the environment;

171 (3) The violator's ability to pay the proposed penalty;

172 (4) The effect that the proposed penalty would have on the violator and the community as
173 a whole;

174 (5) Whether the violator took good faith measures to comply with this section and when
175 these measures were taken;

176 (6) The deterrent effect that the imposition of the penalty would have on both the violator
177 and the regulated community as a whole; and

178 (7) Any other factor that justice may require.

179 (c) The department of environmental protection may refer violations of this section to the
180 attorney general for enforcement and actions may be brought pursuant to this section by the
181 attorney general in the name of the people of the state in any court of competent jurisdiction.

182 (d) Any civil penalties collected pursuant to this section shall be paid to the
183 enforcing governmental entity that brought the action.

184 (e) The remedies provided by this section are not exclusive and are in addition to
185 the remedies that may be available pursuant to chapter 93A or other consumer protection laws, if
186 applicable.

187 (f) In addition to penalties recovered under this section, the enforcing government
188 entity may recover reasonable enforcement costs and attorneys' fees from the liable covered
189 entity.

190 SECTION 2. This act shall take effect on January 1, 2027.