



# Memorandum

**TO:** RULES AND OPEN  
GOVERNMENT COMMITTEE

**FROM:** John Stufflebean

**SUBJECT:** SEE BELOW

**DATE:** 04-19-10

Approved

Date

4/20/10

**SUBJECT: SUPPORT FOR AB 2256 (HUFFMAN), PRODUCT LABELING:  
FLUSHABLE PRODUCTS**

## RECOMMENDATION

It is recommended that:

1. The Mayor and City Council support AB 2256 (Huffman).
2. The Committee provide a one-week turnaround for Mayor and City Council review.

## OUTCOME

If the Rules and Open Government Committee and the Mayor and City Council accept staff's Recommendation, the City's Sacramento representative could begin contacting legislators and testifying in support of AB 2256 (Huffman).

## BACKGROUND

Accompanying the growth in disposable products that people buy has been the question of what to do with them at product end-of-life. This can be problematic for products that people prefer to dispose of in the sanitary sewer system. To date, there is no consistent definition of what constitutes a flushable product. Therefore, companies have made their own determinations and considerable confusion exists for people as to how to dispose of these items.

The implications for wastewater systems have been that non-flushable products have been disposed of in the sanitary sewer, causing clogged piping and pumps, impacts to screens and treatment processes, reducing equipment and treatment process reliability and increase operating costs. The number of "flushable" personal care products (FPCP) has increased significantly over the last decade and is responsible for the following:

- More frequent corrective maintenance shutdowns of plant equipment and strain on equipment.
- The need to properly dispose of the removed FPCP material found throughout the treatment works.
  
- Compromise of treatment efficiency and energy production of the Plant's digestion system and more frequent cleaning of the Digesters.
  
- Additionally, during high flows associated with wet weather, the FPCPs clog the Publicly-Owned Treatment Works' screening removal system. This can cause disastrous wastewater spills due to "blinding" of equipment. Once screening equipment is blinded, it must be taken out of service and given a chance to clean itself which creates more problems for equipment in other parts of the treatment process.

### ANALYSIS

A fact sheet and analysis of AB 2256 is attached.

### PUBLIC OUTREACH/INTEREST

- Criteria 1:** Requires Council action on the use of public funds equal to \$1 million or greater. **(Required: Website Posting)**
- Criteria 2:** Adoption of a new or revised policy that may have implications for public health, safety, quality of life, or financial/economic vitality of the City. **(Required: E-mail and Website Posting)**
- Criteria 3:** Consideration of proposed changes to service delivery, programs, staffing that may have impacts to community services and have been identified by staff, Council or a Community group that requires special outreach. **(Required: E-mail, Website Posting, Community Meetings, Notice in appropriate newspapers)**

This legislative item does not meet any of the above criteria.

### COORDINATION

This memorandum was coordinated with the City Attorney's Office, Intergovernmental Relations Director in the City Manager's Office, and the City's Legislative Representative in Sacramento.

**POLICY ALIGNMENT**

This analysis is consistent with the Council-adopted 2010 Legislative Guiding Principles, and the Council-adopted guidelines.

H. Promote Investment in Infrastructure Maintenance and Rehabilitation

/s/

JOHN STUFFLEBEAN

Director, Environmental Services

For questions please contact Dale Ihrke, Deputy Director, at 408.945.5300.

Attachment: AB 2256 Product Labeling: Flushable Products

## ATTACHMENT

### **AB 2256 (Huffman) Product Labeling: Flushable Products**

*What issue is the bill is trying to resolve?*

Many sanitary districts and agencies around the state are experiencing major problems at their treatment plants with "flushable" products. Many consumer products' packaging states that products "break up like toilet paper after flushing" and are "sewer and septic safe". However, they do not disperse or decompose well in the sewer systems and districts have been finding that these products get into the treatment system and clog up various processes at the treatment plant at considerable expense. Such products have had extensive impact on the San Jose Santa Clara Water Pollution Control Plant (see background).

*How would the passage of this bill affect San José?*

Beginning January 1, 2012, this bill prohibits any consumer product sold in California from being labeled as "flushable", or any other like terms, unless it is biodegradable and disperses at the same rate as double-ply toilet paper when flushed down a low consumption toilet system of 1.6 gallons or less, and can easily clear, in one flush, a four inch drain line. This bill imposes a penalty for any consumer product mislabeled as flushable. If this bill passes, it is anticipated that the incident rate of clogging in the wastewater system will greatly diminish as well as associated costs and damage to equipment.

*What is staff's Proposed Position?*

Staff recommends that the City support AB 2256.

*Who are the bill's supporters and opponents?*

#### Supporters

City of Corona  
City of Petaluma  
City of Thousand Oaks  
East Bay Municipal Water District  
Inland Empire Utility Agency  
Las Virgenes Water District  
Mouton Niguel Water District  
Padre Dam Municipal Water District  
Southern California Alliance of Publicly Owned Treatment Works  
Victor Valley Wastewater Reclamation Authority

#### Opponents

No opponents

*What is the bill's current status?*

On April 12, 2010, the bill was re-referred to the Committee on Business, Professions and Consumer Protection. It is scheduled for hearing on April 20.