



Media Background and FAQ Kimberly-Clark Corp. vs. The District of Columbia, et al.

Media may direct inquiries for additional information to media.relations@kcc.com or +1-972-281-1481.

The District of Columbia passed a law that seeks to severely restrict the range of wipes labeled as flushable to consumers. If successful in preventing flushable wipes from being labelled as flushable in the District of Columbia, Kimberly-Clark believes this law will unfairly and unwisely limit consumers' ability to select and purchase a safe and innovative product that has been proven to effectively meet the needs of our consumers without causing or contributing to clogs.

Further, we believe that the D.C. law violates several provisions of the U.S. Constitution, by: 1) compelling the company to make statements about its products that it knows to be untrue (by both stripping the "flushable" label off of its products and requiring those products to be labeled non-flushable); 2) seeking to regulate the conduct of Kimberly-Clark and other manufacturers well beyond the District's borders, imposing penalties on them for conduct that is entirely lawful outside of the District; 3) placing an undue burden on commerce that clearly outweighs the local benefits of the legislation; 4) imposing penalties on Kimberly-Clark and other manufacturers for failing to comply with vague and undefined terms and conditions, denying manufacturers any meaningful or reasonable opportunity to avoid liability and 5) targeting manufacturers alone by prohibiting them from labeling wipes as "flushable" in the District, while retailers could still sell "flushable" wipes in the District without suffering the consequences of the law.

Kimberly-Clark stands behind the claims of its flushable wipes, which meet or exceed widely accepted industry guidelines for flushability and the Federal Trade Commission's standards on flushability. Our flushable wipes are engineered to lose strength as soon as they are flushed and move through properly maintained plumbing, sewage or septic systems.

In contrast, non-flushable wipes, including most baby wipes, disinfecting wipes, face and handwipes, household cleaning wipes, etc. include long plastic fibers, and are not designed to lose strength or breakdown. Members of the wastewater community have called such products "indestructible," and accordingly, Kimberly-Clark packages its non-flushable baby wipes with "Do Not Flush" labeling.

We are not aware of any evidence suggesting that Kimberly-Clark flushable wipes caused or contributed to a clog in the District or any other municipality for that matter. In fact, in the most recent and largest sewer collection study, conducted in New York City in 2016, not a single Kimberly-Clark flushable wipe was found. The vast majority of materials were non-flushable materials known to cause significant issues with wastewater infrastructure, such as baby wipes, household cleaning wipes, make-up removal wipes, feminine hygiene products, and restroom paper towels.

The District's attempt to prevent manufacturers from informing consumers about which products were designed for flushing will have the unintended result of leading consumers to turn to non-flushable products for their toileting needs, which would worsen, rather than improve, the sewer issues faced by the District.



In protecting our brands and seeking court intervention, we are fighting for our consumers. We also understand wastewater agencies are facing some tough obstacles and we stand ready to work with them on continued product performance, labeling and consumer education.

Why has K-C sued D.C.?

The District has passed a law that seeks to limit the availability of wipes labeled as flushable to consumers that live in the District. K-C believes that this law is unconstitutional, and will harm consumers by limiting their access to an innovative product that meets their needs..

Are Kimberly-Clark flushable wipes causing clogs?

No. Based on years of laboratory and sewer and septic-tank testing, and based on collection studies in real sewers around the country, Kimberly-Clark flushable wipes play no role in sewer clogs or blockages, and indeed are rarely, if ever, found in sewers.

If flushable wipes are not causing sewer clogs, what is?

According to studies that have analyzed the debris found in sewers, it is items not designed or marketed to be flushed that are causing sewer blockages – baby wipes, hard-surface cleaning and sanitizing wipes, restroom paper hand towels, tampons, dental floss, fats and oils, and other trash. In a recent study conducted by the New York City Department of Environmental Protection, over 98% of what was collected from sewer collection screens were items not designed or marketed to be flushed.

What exactly does the D.C. law attempt to do? Does the D.C. Law ban the sale of flushable wipes?

The D.C. Department of Energy and Environment is currently writing rules to accompany the planned implementation of the law on Jan. 1, 2018. The implementation of the law is expected to punish (i.e., fine) manufacturers if any of the flushable wipes currently on the market in D.C., including Kimberly-Clark's COTTONELLE, SCOTT, and BIG KIDS wipes, continue to be sold in D.C. with labeling that calls them flushable.

What are the unintended consequences expected to be if the law is implemented?

Ironically, the D.C. law would have the unintended consequence of making the issue of sewer clogs worse. Kimberly-Clark is not alone in its belief that if the D.C. law is enforced, and flushable wipes sold in D.C. today are removed from shelves, many consumers will switch to using and flushing "non-flushable" wipes (such as baby wipes) instead of wipes designed specifically to be "flushable."

Will COTTONELLE / SCOTT / BIG KID flushable wipes be removed from store shelves?

By challenging the law, Kimberly-Clark hopes to keep its several brands of flushable wipes on store shelves in the District with labeling through which consumers can continue to determine that they are flushable.

What is the solution to the sewer woes of D.C. and other cities and states?

We believe that the key to addressing the issues faced by wastewater agencies is improved labeling and better consumer education regarding the proper disposal of 'non-flushable' wipes and certain other non-flushable products – labeling and education which Kimberly-Clark is already universally adopting. Kimberly-Clark labels its HUGGIES wipes and similar products with prominent "Do Not Flush" instructions, and is working to educate consumers on what to flush and what not to flush in other areas.