



City of Seattle
Seattle Public Utilities

June 10, 2015

Federal Trade Commission
Office of the Secretary
600 Pennsylvania Ave, NW
Room CC-5610 (Annex D)
Washington, DC 20580

SUBMITTED ELECTRONICALLY

Re: Consent Agreement and Request for Public Comments In the Matter of Nice-Pak Products, Inc., File No. 132-3272

Thank you for the opportunity to comment on the proposed settlement agreement with Nice-Pak, requiring Nice-Pak to stop advertising wet wipes as flushable unless Nice-Pak can provide solid evidence to substantiate their claims that that their wet wipes are safe for sewer and septic systems.

We fully support the draft Nice-Pak settlement. There are several other wipes manufacturers however, who are not yet included in FTC's action. We believe that requirements to prove that products are safe for sewer and septic systems before labeling as flushable should be instituted for all wipes sold in this country and want to see it issued to all U.S. wipe manufacturers.

Additionally, while fully supporting the draft decision, we believe it should go one step further and require wet wipes to have a label that states: *Not flushable – dispose in the garbage*. We believe this positive statement telling people how to dispose of used wipes is needed to counteract the years of wipes being sold with labels and advertising that states they are flushable when they are not.

We support this draft settlement agreement because wipes that are labeled and advertised as being flushable but do not break down are leading to increased maintenance costs and increased risk of sewer overflows. Unfortunately and ironically, this product used for personal cleanliness, when flushed, increases the risk of sewage overflows and public exposure to other people's sewage. Wipes blockages have caused sewage overflows into public swimming areas here.

Sewage overflows are serious business. Individual claims for sewage damage caused by blockages in our sewer system have cost Seattle Public Utilities (SPU) anywhere from a few hundred, to hundreds of thousands of dollars apiece. Our utility works to decrease the risk

of sewage overflows. The increase in the number of people purchasing and flushing wipes that are not truly flushable works directly against our business goals.

SPU owns and operates 68 pump stations and performs regular maintenance inspections, tracked as preventative maintenance, and maintenance in response to some indicator that something is not functioning properly, tracked as reactive maintenance. Ragging is an industry term referring to wipes and other debris caught up in the sewer system on screens, trash racks, and in pump stations. Over a 27 month period from 2013 through March 24, 2015, some level of ragging problems were noted at SPU's 68 pump stations 547 times during regularly scheduled maintenance. Ragging was a problem at 942 reactive maintenance events over the same roughly two year time period. Altogether that is 1,489 work events with time spent dealing with ragging over 2 ¼ years because of wipes and other trash flushed down the toilet.

The precise cost of dealing with wipes in the sewer system is often buried within other maintenance data, particularly in the case of regularly scheduled preventive maintenance, and thus can be difficult to isolate. However, when SPU went through the detailed effort of sorting out work order history at two badly impacted wastewater pump stations, we found that on average over the past three years, 44% of the maintenance costs at these two pump stations were due to ragging. While these two pump stations are among the most badly impacted, as shown by the 1,489 work events involving ragging over 2 ¼ years, in-depth analysis at the rest of SPU's pump stations would likely show similar, even if not as extreme, results.

SPU produced videos about the impacts at Wastewater Pump Stations 009 and 035, viewable at: <http://bit.ly/1AK8PDv> and <http://bit.ly/1bkanZw>.

To better understand customer thinking on what is or is not flushable, SPU conducted a baseline survey and three follow up focus groups. One-quarter of survey respondents believed it is safe to flush wipes. They are more likely to do so at home than at a public restroom. In the focus groups, participants generally believed that if a product flushes, then it must be safe to flush. Once they were educated about the problem of wipes clogging the sewer system by viewing several videos, they could not understand how wipes could be labeled flushable when they do not break down. The videos shown to our focus groups included:

- Media Sample: <http://www.wgrz.com/news/article/135714/1/Flushable-Wipes-Costing-Taxpayers-Millions>
- SPU Sample: <http://www.seattlechannel.org/videos/video.asp?ID=5900>
- Spokane Study Sample: <http://www.youtube.com/watch?v=SLTVqkXVvNk&feature=youtu.be>
- Humor Sample: <http://www.prolificnorth.co.uk/2013/04/you-cant-flush-it-but-can-you-watch-united-utilities-toilet-humour/>

Several brief additional videos show how indestructible the wipes are, and may suggest potential tests of whether a wipe is dispersible or not. They include:

Consumer Reports *Are Flushable Wipes Flushable?*:

<http://www.consumerreports.org/cro/video-hub/home--garden/bed--bath/flushable-wipes/16935265001/22783507001/>

Water Environment Federation *Will it Flush* (Note: this is the same video as the Spokane Study Sample shown to our focus groups and listed above with a different link to get to the same place):

<https://www.youtube.com/watch?v=SLTVqkXVvNk>

Rob Vilee, Plainfield Area Regional Sewerage Authority *Fun With Wipes* and *Fun With Wipes 2*:

<https://www.youtube.com/watch?v=ESavZrByQpo>

<https://www.youtube.com/watch?v=OAI3Dttootw>

SPU is working on a behavior change campaign to instruct our customers to only flush human waste and toilet paper. However, these wipe-flushing habits, desire for cleanliness, and the invisibility of our sewer system make this a tough behavior to change, particularly as more wipes with flushable labels are being sold across the city.

SPU is investigating other potential legal action to take to prevent wipes from being labeled as flushable when they do not break down when flushed. We believe that the FTC is an ideal venue for these decisions, as it is a truth in advertising issue, as well as a nationwide concern.

Sincerely,

Ray Hoffman, Director
Seattle Public Utilities

Cc: Cynthia Finley, National Association of Clean Water Agencies