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June 17, 2015

Federal Trade Commission

Office of Secretary

Constitution Center

400 7th Street NW

5th Floor

Suite 5610 (Annex D)

Washington, D.C. 20024

Subject: Nice-Pak Products – Consent Agreement
File No. 132 3272

This comment is submitted on behalf of the Maine Water Environment Association (MEWEA). MEWEA represents more than 600 members, including towns and sewer districts, who are on the front line of keeping the waters of Maine clean, in part through our diligent operation of sewer systems, including underground utilities. The mission of MEWEA is to promote professional environmental management practices to protect and improve the waters and related environments of the State of Maine.

For nearly a decade, communities in the State of Maine have been affected by interference to household plumbing, private septic systems, sewers and treatment plants from “flushed” consumer products. The majority of products do not readily disperse when flushed, potentially resulting in sewage overflows, failed pump stations, and increased maintenance in treatment plants. Many communities have been forced to replace otherwise functioning equipment with pumps, screens, and other equipment designed to handle these “flushed” materials. Often, this replacement equipment results in decreased efficiency, increased costs, and the diversion of critical maintenance and renewal funds from the maintenance and replacement of aging infrastructure that is critical to the safety and well-being of our communities.

The FTC’s recognition that products labeled “flushable” must **demonstrate that the covered product disperses in a sufficiently short period of time after flushing to avoid clogging and other problems** under real-world conditions is the primary concern that communities and wastewater service providers have regarding many of these products. To date, there is not a mandatory and universal standard in place to define “flushable”. Current industry guidelines are voluntary, do not reflect “real world” conditions found in private systems and public sewerage systems, and have lacked any direct input from wastewater professionals. Additionally, here in Maine, we demonstrated that inconsistent labeling practices and the lack of a clear standard for labeling contribute to consumer confusion and the regular disposal of products such as baby wipes in sewers. While there are efforts underway that may someday lead to a standard for “flushable”, it will likely be years before something is in place.

Until such time as an actual standard can be developed, with mandatory adherence by manufacturers of these and similar products, the MEWEA supports the FTC position regarding the labeling and marketing of these products. We encourage FTC to evaluate other products marketed as flushable, and mandate the placement of a prominent "Do Not Flush" logo on products that fail to meet the standard.

Finally, we believe this position should apply to all products marketed as "flushable" that are manufactured by Nice-Pak and presently available for purchase at retail establishments, not just products sold in 2014, as Nice-Pak stated in its clarification of the FTC settlement- i.e., current products should also be evaluated for their behavior in "real world" conditions.

Please don't hesitate to contact me at (207) 774-5961 if you require additional information.

Sincerely,



SCOTT FIRMIN, P.E. ✓
2015 Vice President, MEWEA