



Water UK response to CMA consultation on misleading environmental claims

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Water UK is the representative body and policy organisation for water and wastewater service providers across the UK. We welcome the opportunity to respond to the CMA's consultation on misleading environmental claims, and our response to each question is outlined below.

1. Which issues do you think the CMA should be focusing on, and why?

In our view, the CMA should be focussing on all issues where misleading environmental claims lead to consumer confusion, causing inappropriate disposal of products and resulting in environmental damage.

This is particularly pertinent in relation to wet wipes, which are frequently misleadingly branded as 'flushable'. Once in the sewers, these plastic-fibred single use products do not breakdown, as with toilet paper, and build up causing blockages in drainage infrastructure. These blockages then lead to sewer bursts and pollutions. Water companies spend £100million every year clearing and repairing blockages and cleaning up the negative environmental impacts of these improperly disposed wet wipes. In short, these should not be branded as flushable because of the harmful impacts on drainage infrastructure and the natural environment.

Water UK represents all major wastewater service providers in England, Scotland, Wales and Northern Ireland. As custodians of the sewerage network, we therefore have a particular interest in issues that result in damage to these assets, and environmental harm to rivers and seas. We and our customers regularly have to pay to deal with pollution caused by other sectors, and we would therefore recommend that the CMA focusses on issues where the 'polluter pays' principle can be applied to reduce the risk of environmental harm from misleading environmental claims.

2. Are there any particular sectors or behaviours (business or consumer) you think we should focus our attention on?

We believe that wet wipe manufacturers and retailers should play their part in ensuring the responsible disposal of their products. This should be done by either improving awareness among their customers

with accurate labelling, or by ensuring their products breakdown in sewer infrastructure in a way that does not increase risk of environmental harm.

Environmental harm caused by misleading environmental claims is particularly acute in relation to products that are erroneously marketed as ‘flushable’ but which do not disintegrate in the sewer system when flushed. These cause 300,000 sewer blockages or ‘fatbergs’ every year in the UK

Sewer blockages cost water customers £100 million annually to resolve and have a major impact on the environment, resulting in serious incidents of river pollution and posing a severe threat to wildlife. Thousands of properties suffer sewer flooding caused by wet wipe-originated blockages every year, causing distress for homeowners and businesses and leading to high clean-up bills and increased insurance costs.

Consumer awareness around this issue is low, and wet wipes are commonly disposed of by being flushed down toilets. 11 billion wet wipes are used every year in the UK, and it is believed that they account for 90% of material in blockages. The majority of which contain plastic and are not designed to break down in sewers. Proper enforcement around misleading claims of flushability would, rightly, put the onus on manufacturers to provide full and accurate information to consumers. In turn, this would reduce consumer confusion and incentivise the redesign of products to ensure that they break down in sewers without causing blockages.

To prevent harm to the environment and damage to sewerage infrastructure, it is critical that consumers are given full and accurate information so that they can make an informed decision when purchasing, using and disposing of wet wipes. There is considerable consumer confusion around which products are truly ‘flushable’ and which products should not be flushed, with inconsistent labelling and misleading marketing contributing to this issue.

We have contended for some time that labelling products as ‘flushable’ when they do not disintegrate adequately in the sewer network is misleading, so the CMA’s consultation on misleading environmental claims is a very welcome development.

3. Is your organisation currently involved in or leading any projects which look into or seek to understand behaviour or attitudes towards environmental claims?

- No

4. Has your organisation done any of the following?

- a. Undertaken any surveys / questionnaires to gather the views of consumers or businesses on environmental claims
- b. Produced any advice or guidance to support businesses in making environmental claims
- c. Produced any advice or guidance to support consumers to understand and/or interpret environmental claims

We have undertaken b. and c.

5. Would you be willing to share any of the above with us?

Yes - we have developed considerable expertise through our work in this area, and would be very happy to discuss the issue in further detail if this would be helpful.

As custodians of the sewer network, our members are uniquely placed to assess risks to these assets, and advise on the question of which products could, when flushed, result in blockages and environmental harm.

In response to the risks posed by inappropriate flushing of wet wipes, the UK water industry developed a standard, '**Fine to Flush**' (WIS 4-02-06) - first published in January 2019 and updated in November 2019. The standard assesses products through a series of rigorous tests to ascertain whether they disintegrate sufficiently in the sewer system, and whether or not the product contains plastics.

The Fine to Flush standard has expanded significantly since its launch, with 33 products that are Fine to Flush certified now on the market. These include market leaders (Kimberly-Clark/Andrex), and major retailers such as Sainsburys, Tesco, Morrisons and Waitrose.

We are aware that other standards exist. However, since laboratory testing demonstrates that 'Fine to Flush' is the only standard that sufficiently mimics real-world forces present in the sewerage network, the only products we consider to be 'flushable' are those that have passed the Fine to Flush standard. Despite extensive experience in this field, we are not aware of any alternative standard that similarly mimics real-world conditions in tests, and so water companies do not view other standards as meaningful alternatives.

The 'Fine to Flush' standard is therefore the only measure of 'flushability' recognised by the UK water industry as certifying the reduced likelihood of a given product to block sewers. Products that claim flushability without passing the Fine to Flush standard, often with related claims around biodegradability, exaggerate the positive environmental impact of the product and exacerbate

consumer confusion around appropriate disposal of wet wipes. Our view is therefore that only products that meet Fine to Flush should be marketed as 'flushable', and that adequate mechanisms of enforcement should be in place to ensure that consumers are not misled by other standards.

Indeed, in October 2019, the Advertising Standards Authority ruled that Kimberly-Clark had misled consumers in claims of flushability, having not included information on Fine to Flush in their advertising. More specifically, the ASA ruled that in order to make an informed decision, it was material for consumers to know that the Fine to Flush accreditation existed to determine a product's 'flushability'. In the absence of qualifying information to that effect, the ASA concluded that the claim 'flushable' was misleading. Kimberly-Clark subsequently announced that they would be adopting 'Fine to Flush', and five Kimberly-Clark products have subsequently achieved certification as 'Fine to Flush'.

Our concern is that while there are other products that are using the term 'flushable' without Fine to Flush accreditation, consumers will be misled. To reduce environmental harm and damage caused to the sewer system by these products, packaging should be clearly labelled as 'Fine to Flush' or 'Do Not Flush' at point of sale, clearly on the front of the packaging. Any product that has not passed the Fine to Flush standard should not be marketed as flushable.

6. Are there ongoing or planned initiatives, policies, campaigns or enforcement activities that we should be aware of and should take account of when scoping the focus of our project?

We continue to encourage the adoption of the Fine to Flush standard by retailers and manufacturers, and we will continue to press Government to recognise Fine to Flush as the only standard relevant to claims of flushability. We are aiming to secure legislative backing for the standard in order to reach market saturation, which would involve mandated 'Fine to Flush' accreditation for any product that is marketed as flushable. There would also be a requirement for wipes that have not passed the Fine to Flush test to have clear labelling as 'Do Not Flush' on the front of the packaging.

7. Are there any examples of good practice that you would want to highlight? (e.g. government/regulatory interventions or private sector initiatives that have improved information provision to consumers)

We commend manufacturers and retailers who have demonstrated leadership in early adoption of the Fine to Flush standard. 33 products that are Fine to Flush certified now on the market. These include market leaders (Kimberly-Clark/Andrex), and major retailers such as Sainsburys, Tesco, Morrisons and

Waitrose. A full list of Fine to Flush certified products can be found here:

<https://www.wrcplc.co.uk/successful-fine-to-flush>

- 8. Has your organisation conducted, or are you aware of, any relevant research that you would be able to share with us?**
 - a. We would be particularly interested in any research into:**
 - i. The prevalence of environmental claims and/or the products where consumers care most about the environmental performance of a product or service**
 - ii. Consumer behaviour when confronted with marketing or advertising that includes environmental claims about a product or service, or the performance of the business**

There are numerous pieces of research that demonstrates the scale pollution caused by wet wipes and other products that are marketed as 'flushable', or that are mistakenly flushed by consumers.

The Wipes in Sewer Blockage Study, jointly commissioned by Water UK, EDANA and Defra, demonstrates the contribution of wet wipes to sewer blockages and can be found here:

<http://www.water.org.uk/publication/wipes-in-sewers-blockage-study/>.

- 9. Please let us know about any other issues you think might be relevant for our project.**

N/A