Ocean Conservancy

Model State Legislation: Filtration in Laundry to Eliminate and Reduce Microplastic Fibers Act *(FILTER Act)*

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Summary

The *FILTER Act* reduces microplastic fiber pollution from washing machines by requiring that new washing machines sold in the state incorporate built-in microfiber filtration technology.

Beginning in 2032, manufacturers that sell or offer washing machines for sale in the state must ensure that at least 10% of units offered or distributed for sale include a microfiber filtration system. The requirement increases to 50% in 2036 and 100% in 2040.[1]

Each covered washing machine must display a conspicuous label informing consumers that the unit contains a microfiber filter and providing maintenance and disposal instructions.

The bill assigns primary compliance responsibility to the manufacturer or brand owner, defined to include any entity that manufactures, imports or owns the brand name under which a washing machine is sold in the state. Retailers and distributors may not sell or offer non-compliant models starting January 2042.

The Department with oversight over environmental protection or otherwise designated by the legislature may adopt rules to verify inclusion of microfiber filters and establish requirements for certifying compliance. The Department may provide limited extensions to small businesses. The bill authorizes civil enforcement action.

Together, these provisions create a phased, technology-neutral pathway to address microplastic fiber pollution while maintaining flexibility for manufacturers and retailers to adapt product designs and supply chains.

Section 1. Definitions

(a) "Department" means the Department [the state agency with jurisdiction over environmental protection or otherwise designated by the legislature based on the state government structure].[1]

(b) "Microfiber filtration system" means a filtration system that:

- (1) Is active across all washing cycles of a washing machine;
- (2) Contains a microfiber filter that:
  - (A) Has a mesh size of 100 micrometers or less; or
  - (B) That meets another standard as determined by the Department to provide equal or greater efficacy in reducing microfiber pollution as compared to a microfiber filter with a mesh size of not greater than 100 micrometers; and
- (3) Is either:
  - (A) Built into a newly manufactured washing machine; or

[1] Items marked in [ ] require state-specific updates.

(B) An in-line filtration system that is packaged with and capable of being installed with a new washing machine;

(4) May include a function to prevent flooding if the filter is full, provided that such function does not prevent or circumvent the microfiber filtration system during normal operation.

(c) "Manufacturer" means any individual, partnership, corporation, association, or other legal relationship that manufactures, assembles, or produces washing machines.[2]

(d) "Units sold" means the total number of new washing machines that are offered or distributed for sale within the state by a manufacturer, directly or through a retailer, distributor, or other intermediary, including through online or catalog channels, during a given year.

(e) "Washing machine" means a machine designed and used for washing clothes and linen and includes residential and commercial washing machines.

Section 2. Requirements for microfiber filtration systems in washing machines

(a) Beginning January 1, 2032, a manufacturer may not sell, offer for sale, cause to be sold or distribute for sale within the state a new washing machine unless the manufacturer meets the requirements of this section.

(b) For each calendar year, the percentage of new washing machines offered or distributed for sale in the state that are equipped with a microfiber filtration system shall be not less than:
(1) 10 percent of units sold beginning January 1, 2032;
(2) 50 percent of units sold beginning January 1, 2036; and
(3) 100 percent of units sold beginning January 1, 2040.

(c) Beginning January 1, 2042, a retailer or distributor may not sell, offer for sale, or distribute for sale within the state a new washing machine unless it is equipped with a microfiber filtration system that includes the certification of compliance described in subsection (d)(3).

(d) Each washing machine subject to subsection (b) of this section shall:
(1) Be equipped with a microfiber filtration system; and
(2) Bear a conspicuous label visible at the point of sale and on the washing machine that:
(A) Notifies consumers that the unit includes a microfiber filtration system;
(B) Instructs the consumer to check and clean the filter according to a regular schedule; and
(C) Directs the consumer to dispose of captured lint with household solid waste or following manufacturer instructions.
(3) Include a certification of compliance stating that the washing machine is compliant with this section.

(e) Each manufacturer of washing machines sold, offered for sale, caused to be sold or distributed for sale within the state shall provide a certification to the Department in a form and format determined by the Department stating that the manufacturer is in compliance with the requirements of this chapter. At minimum, the certification shall:
(A) Include a description of which units sold are in compliance with section 2; and
(B) Include a signed attestation of compliance by an authorized official of the manufacturer.

(f) The Department may adopt rules to:
(1) Establish requirements for the certification from manufacturers subject to this chapter, including frequency;
(2) Specify verification methods for inclusion of microfiber filter systems;
(3) Establish procedures for calculating and verifying the percentage of compliant units sold;
(4) Develop another standard for microfiber filters pursuant to Section 1(b)(2)(B); and
(5) Provide limited extensions to the requirements of this chapter for small businesses.

[2] This definition should be reviewed and updated based on existing state definitions.

Section 3. Enforcement

(a) Upon an action brought by the Attorney General, a city attorney, a county counsel, or a district attorney, a manufacturer that violates Section 2 shall be liable for a civil penalty not to exceed ten thousand dollars ($10,000) for a first violation, and not to exceed thirty thousand dollars ($30,000) for each subsequent violation.
   (1) A distributor or retailer of a washing machine shall not be held in violation of this chapter if the distributor or retailer is not also the manufacturer of the washing machine and relied in good faith on the certificate of compliance provided by the manufacturer pursuant to Section 2(d)(3).

(b) This section does not impair or impede any other rights, causes of action, claims, or defenses available under any other law. The remedies provided in this section are cumulative with any other remedies.

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