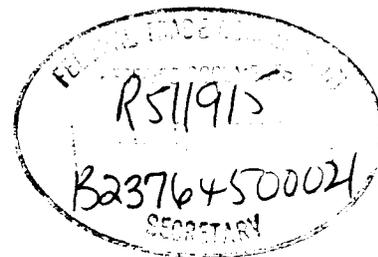


ORIGINAL

POLLUTION PREVENTION EDUCATION & RESEARCH CENTER
 OCCIDENTAL COLLEGE • UNIVERSITY OF CALIFORNIA, LOS ANGELES

Occidental College
 1600 Campus Road
 Los Angeles, California 90041-3314
 (213) 259-2566 • pperc@oxy.edu



February 26, 1999

Office of the Secretary
 Federal Trade Commission, Suite 4302
 c/o Connie Vecellio, James Mills
 Sixth and Pennsylvania Avenue NW
 Washington, DC 20580

Re: 16 CFR Part 423 – Care Labeling Rule

Dear Secretary,

The Pollution Prevention Education and Research Center offers these additional rebuttal comments based on the discussion at the January 28, 1999 workshop concerning the proposed amendments to 16 CFR part 423, Care Labeling of Textile Wearing Apparel and Certain Piece Goods. We applaud the Federal Trade Commission's overall effort to increase the public's awareness of professional wetcleaning as an environmentally preferable option for the care of their garments. The following comments were based on specific topics discussed at the workshop and our analysis of how the FTC could best proceed.

Our position is that the FTC rule should require a professional wet clean instruction. Implementation for the rule should be one year from the date of the ruling in order to provide sufficient motivation and time to develop a formal test procedure. The rationale for this position is discussed below.

Require vs. Allow a "Professionally Wetclean" Instruction

Workshop Discussion

Of the four commentators who directly addressed the question of whether to allow or require a "Professionally Wetclean" instruction, all supported an amendment to require a "Professional Wetclean" instruction. On the other hand, a number of commentators suggested that it was premature to discuss whether to allow or require a "Professional Wetclean" instruction before a definition of professional wet cleaning and/or a standardized test method for professional wet cleaning had been developed.

the AATCC RA43 committee on test methods, recently stated that changes in the care label rules aren't likely soon, estimating they could be three to six years away (see *Drycleaners New*, January 1999). The prospect of such delay is likely to dissuade proponents of wetcleaning to expend the huge amount of effort that it would take to usher this process along, with even further delays in the development of a test method.

In terms of developing the actual test method, we support the idea of using established professional wet cleaners as the testing labs, given that garments are cleaned in a commercial setting and that professional wetcleaners have the knowledge of how best to operate the equipment to maximize performance.

Many manufacturers already take garments to commercial drycleaners for testing, which supports the idea that commercial cleaners, whether they be dry cleaners or professional wetcleaners, already serve as real work laboratories used by manufacturers to develop a reasonable basis for care labeling. Therefore, even without an ASTM or AATCC formal test method, manufacturers can simply go to a professional wet cleaner to test which garments can be successfully wetcleaned. One manufacturer in Los Angeles is already doing this.

Holding Record Open

Workshop Discussion

The FTC suggested the possibility of leaving the record for the rule open for nine months to incorporate whatever work can be completed by ASTM and AATCC in this period before the FTC makes any final decision as to what the definition or test method might be.

Comment

This proposal to leave the record open assumes that, without any additional incentive, ASTM and AATCC will have made substantial progress in the nine months on developing a consensus for a definition of professional wetcleaning and/or a test method for professional wetcleaning. As discussed in the above section (Standardize Test Method) it is very unlikely that will occur, without sufficient incentive.

Transition Plan for Final Rulemaking for Professional Wetclean Care Label

The FTC is currently in the ideal position to successfully complete the rulemaking for a professional wet clean care label while simultaneously creating sufficient motivation for ASTM and AATCC to develop a formal definition and test method for professional wetcleaning.

This can be accomplished by, first ruling that all garments that cannot be home laundered are required to carry a professional wetclean label if they can be professionally wetcleaned, and second, setting the implementation date for this part of the rule one year from the date of the final ruling. To move forward with this rulemaking, the FTC must first develop a working definition for professional wetcleaning (see section above on Definition of Professional Wetcleaning). Second, FTC should state that garment manufacturers already have a method for verifying whether a garment can be professionally wetcleaned – this is, they can simply take garments to cleaners with the proper professional wetclean equipment as specified in the modified FTC definition of wetcleaning (see above section on Definition of Professional Wetcleaning).

This proposal establishes due process, is expeditious and fair, and above all creates the necessary certainty in terms of the rule making and its implementation.

Due Process: The FTC already has sufficient evidence, from comments on the NPR and from the workshop, to rule that a professional wetcleaning care label should be required. Professional wetcleaning is not only an environmentally preferable alternative to drycleaning, but there are enough cleaners with professional wetcleaning equipment, and there is already a reasonable basis by which manufacturers can determine whether a garment can be professionally wetcleaned for the FTC to move forward to requiring that garments be labeled “professionally wetclean” when it is appropriate. As discussed at the workshop, creating this requirement will serve to stimulate the diffusion of wetcleaning because mislabeled garments will now be correctly labeled. By setting the implementation date a year in advance, testing organizations are given ample time to create a formal definition and test method.

Expeditious: Implementation of an amended rule requiring a professional wet clean care label should happen as soon as practically feasible. Allowing the record to remain open not only postpones decision-making, but does not create any incentive for a definition and test method to be developed by the standards organizations. In fact, it is likely to create a disincentive for proponents of wetcleaning to do the hard work when there is no certain outcome as a consequence of their labor. Making the decision now, yet providing sufficient time and motivation creates the necessary conditions to move this process forward in a timely manner.

Fair: The one year delay in implementation is necessary because ASTM and AATCC have been slow to develop a test method for professional wetcleaning; as Jo Ann Pullen from ASTM stated “this should have been done by now.” While the delay postpones the date in which garments will be labeled with an environmentally preferable care instruction, resulting in a further diffusion of professional wetcleaning, it also provides time for manufacturers to ready themselves for this change. In addition, the cost to manufacturers in requiring a professionally wet clean care label is likely to be quite marginal and substantially decrease over time as experience is gained and a reasonable basis can be established by means other than testing.

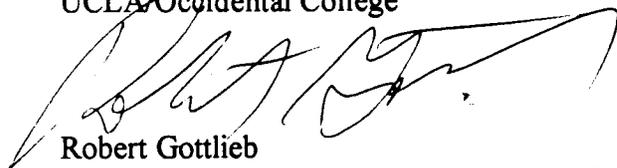
Certainty: Having successfully moved this process along to this point, a clear and certain path is necessary to complete the process. Postponing rulemaking by keeping the record open creates uncertainty, stifles motivation to move forward quickly, is unfair to proponents of professional wetcleaning who have far fewer resources to participate in an ongoing decision-making process which has no end date in site. Making the decision now to require a professional wetclean care label and providing sufficient time for standards organizations to complete their work creates the certain path that will motivate all parties to work together in a productive and expeditious fashion.

If the FTC requires clarification on any of the issues discussed above, please do not hesitate to contact us. We are committed to moving this process along.

Sincerely,



Peter Sinsheimer
Garment Care Project, Project Director
Pollution Prevention Education & Research Center
UCLA/Occidental College



Robert Gottlieb
Director, Pollution Prevention Education & Research Center
Luce Professor, Urban Environmental Studies
Occidental College