



September 5, 2006

Office of the Secretary  
Federal Trade Commission  
Room H-135  
600 Pennsylvania Avenue, NW  
Washington, DC 20580

**Re: 16 CFR Part 311 Comment -- Recycled Oil Rule, Matter No. R511036**

Dear Sir/Madam:

This letter is submitted in response to the request by the Federal Trade Commission (“FTC”) for public comments regarding its test procedures and labeling standards applicable to containers of “recycled” oil. As the national representative for over 3,000 small business fast-lube facilities which both generate significant quantities of used oil and collect do-it-yourselfer used oil from the public, the Automotive Oil Change Association (AOCA) supports FTC’s current regulation in that it furthers the success of the used oil recycling chain.

AOCA would like to respond to questions 1, 2, and 9. With regard to question 1, AOCA believes there is a continuing need for the rule as currently promulgated. The automotive service industry and consumers need uniformity in motor oil container labeling. Without Part 311, some states may choose to require labeling information regarding recycled content that differs from other states thereby causing confusion and placing a burden on commerce. Question 2 relates to this issue as well. The primary benefit of the rule is that it places labeling emphasis on the standard met by the product, not the origin of the product’s components. This is the appropriate outcome where the primary interest of motorists and their service professionals is whether or not a container of motor oil meets manufacturers’ standards for warranty and performance purposes. Requiring use of the term “recycled” would not be helpful. Though some consumers may prefer products with recycled content, it is the experience of thousands of fast lube operators that the average consumer still recoils from the idea of putting recycled motor oil (which they assume to be inferior) in their engines. Meanwhile, with API standards as the key issue – rather than confusing disclosures about recycled content – the use of re-refined lubricant base stock in lubricant manufacturing has steadily increased; a win-win situation for all concerned.

With regard to question 9, AOCA agrees that the rule should be amended to accommodate ongoing updates of API publication 1509. In comments to FTC’s 1995 proposal

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on this subject, AOCA suggested that FTC alter its proposed regulatory language with respect to API publication 1509 to require the use of the most *current* version of the publication rather than lock the regulated community into the use of only the Thirteenth Edition (January, 1995). It seems that suggestion would still be applicable.

AOCA appreciates the opportunity to comment on FTC's concerns regarding the implementation of 16 CFR Part 311. As reflected in the statutory mandates of EPCA, the main consideration for the marketing and use of recycled petroleum products should be whether they meet standard industry criteria, not the origin of their base materials. FTC's current regulation serves that mandate perfectly.

If you have any questions or concerns regarding this submission, please contact the undersigned at (800) 331-0329.

Sincerely,

Stephen M. Christie  
Executive Director