



November 2012

Federal Trade Commission
Office of the Secretary
Room H-113 (Annex A)
600 Pennsylvania Avenue NW
Washington, DC 20580

Re: FTC request for public comment on Notice of Proposed Rulemaking; Care Labeling Rule, 16 CFR Part 423, Project No. R511915

GreenEarth® Cleaning is pleased to respond to your request for comment regarding the Federal Trade Commission's Proposed Rulemaking, Care Labeling Rule, 16 CFR Part 423.

These comments are submitted on behalf of more than 5,100 U.S. stakeholders serving consumers through the GreenEarth Cleaning Network. This includes retail dry cleaners and GreenEarth dry cleaning services offered through leather and fur wholesalers, hotels, restoration providers, heirloom service providers and tuxedo rental retail stores using GreenEarth's silicone-based process for dry cleaning.

By way of background, the GreenEarth Cleaning company was formed in 1999 by three dry cleaners with extensive operational experience running 400+ stores in an effort to provide the industry with a viable solution to the well-known environmental challenges of petrochemicals. GreenEarth is the brand name for the patent-protected process of dry cleaning fabric using silicone as the solvent. The silicone used in the GreenEarth process is chemically known as D₅, decamethylcyclopentasiloxane. GreenEarth's network of stakeholders consists of more than 960 licensed retail dry cleaning locations, 3,000+ additional retail dry cleaning locations outsourcing their leather and fur business to licensed GreenEarth leather specialists, 550+ hotels cleaning their guests' clothes using the GreenEarth process (either on premise or through licensed GreenEarth Affiliates), 580+ tuxedo rental stores processing exclusively with GreenEarth, restoration service providers and wedding gown specialists. More than 500 million pounds of garments have been cleaned safely using our silicone-based process.

While GreenEarth continues to believe the Care Labeling Rule would better serve consumers in a continually evolving marketplace if it were linked to solvent characteristics rather than to solvents, we understand the Commission's view that there was insufficient additional commentary to support consideration of our 2011 proposal. Like the Commission, we are committed to better protecting consumers and their garments, and respectfully submit new comments and empirical evidence where available, to accomplish our mutual goals.

The comments reflected in this submission reflect GreenEarth's overall point of view that the updated Rule should result in care labels that meet the needs of today's garments with cleaning instructions that encompass all proven textile cleaning technologies, and that new care instructions produced under it should not confuse consumers or impede manufacturers and dry cleaners in delivering proper care. Specifically, we believe:

- i. More clarifying examples should be added to the “reasonable basis” in the Proposed Rulemaking. The scope of choices in textile fibers, components and finishes now available in the marketplace that can be damaged during cleaning extends beyond the examples currently under consideration.
- ii. The Rule should allow both ISO and ASTM symbols on care labels. However, the proposed updates to the Rule cannot benefit the public if the ASTM and ISO symbols required for use don’t recognize and appropriately classify all solvents recognized by the Rule. The Commission proposes to include alternative solvents but ASTM D5489-07 and ISO 3758:2005 care symbols approved for use under the Proposed Rulemaking limit dry cleaning instructions to use of only perc and hydrocarbon. *NOTE: the Proposed Rule specified ISO 3758:2005 standards; ISO 3758: 2012 has since replaced that standard but like the 2005 version, it does not recognize or classify additional alternative solvents.*
- iii. As proposed, the inclusion of wet cleaning in the Rule could lead to consumer confusion on two fronts. First, in the instances where both dry cleaning and wet cleaning are appropriate methods of care and “Dry Clean” replaces the “Dry Clean Only” instruction, elimination of the term “Only” could lead consumers to mistakenly interpret home washing to be an option. We have the same concern with labels using the term “Wet Clean”.

GreenEarth proposes the Commission consider a phase in period around the introduction of wet cleaning that would require terms to eliminate confusion by clearly communicating when garments cannot be home washed. Adding the term “Do Not Wash” would eliminate confusion when both wet cleaning and dry cleaning are acceptable, and when wet cleaning is the recommended method of care, replacing “Wet Clean” with “Professional Wet Clean” would accomplish the same end.

Specific feedback on comments solicited by the Commission follows:

(1) Is there empirical evidence regarding whether consumers interpret a “dry clean” instruction to mean that a garment cannot be washed? If so, please submit such evidence.

There does seem to be general confusion about whether garments with a “Dry Clean” instruction can be washed at home. A Google keyword search reveals that more than 16,500 searches are conducted each month in the United States by consumers looking to learn whether “Dry Clean” clothes can be washed at home.¹ A Google search on the phrase “wash dry clean” clothes” yields 1,470,000 search results. The sheer size of these search inquiries suggests that consumers are not clear how to interpret the dry clean instruction.

Part of the answer to the Commission’s question can be found within the Rule, which requires that only one method of care be recommended when more than one can be safely used. Clear evidence exists that consumers have been taught that a “Dry Clean” instruction does not necessarily mean a garment cannot be washed at home. According to Consumer Reports, “Dry-cleaning isn’t the only way to safely clean garments labeled dry clean only, and other methods might even do a better job.”²

1. Google Keyword Search Tool, conducted 9.19.2012, 4:13 p.m. against the phrase “wash “dry clean” clothes” by people using desktops and laptops.
2. <http://news.consumerreports.org/home/2009/03/dry-cleaning-laundry-care-labels-national-cleaners-association-cashmere-linen-silk.html>

Also reaching a wide audience, Tide[®], the leading home laundry brand with a 44.5% market share, tells its 120 million+ customers that “the dry clean instruction on the label does not mean that the garment cannot be cleaned by washing, but rather that dry cleaning is an appropriate cleaning method”³. These statements would remain true even under the Proposed Rule.

(2) How many domestic businesses provide professional wet cleaning to the public on a regular basis? To what extent do domestic businesses provide both dry cleaning and wet cleaning? What evidence supports your answer?

The professional wet cleaners directory, www.professionalwetcleaning.com, listed 188 professional wet cleaners in their directory as of October 9, 2012. Of these, 158 were listed as 100% wet cleaners; 30 are listed as also offering dry cleaning.

(3) To what extent do consumers have access to and use professional wet cleaning services? To what extent are wet cleaning services widely available geographically? What evidence supports your answers?

Although the professional textile cleaning industry is well established, the availability of true professional wet cleaning services is currently limited. The 2007 U.S. Census reported that there were approximately 36,000 dry cleaners in the United States. More recent estimates by experts in the dry cleaning industry place the actual number today closer to 28,000. Per comment (2) above, there are approximately 188 professional wet cleaners. Assuming the smaller industry estimate better reflects the current size of the industry, wet cleaners would represent approximately 0.6%, of all dry cleaners. Approximately 80% of professional wet cleaners are located either on the East or West coast⁴, leaving a large geographic area with virtually no professional wet cleaning availability.

(4) To what extent are consumers aware of the attributes and availability of professional wet cleaning services? What evidence supports your answer?

We are not aware if studies exist to answer this question; however, the Google Keyword Tool shows that a total of 32,200 non-unique searches are done each month in the United States on “wet cleaning” (2,400 for the word “wetcleaning”, 14,800 for the two words “wet cleaning” and 14,800 for “wet cleaners”⁵). A search for “dry cleaning” yields significantly more results: 2,841,500 non-unique searches (301,000 for “drycleaning”, 450,000 for “dry cleaners”, 90,500 for “dry cleaner”, 1,000,000 for “dry cleaning” as two words and 1,000,000 for “dry cleaners” as two words⁶).

Extrapolating from this data, the number of people searching online on the topic of wet cleaning represents approximately one percent of the online search activity for the topic of dry cleaning. If online searches are an indicator of awareness, wet cleaning does not enjoy broad consumer awareness.

3. <http://www.tide.com/en-US/article/long-live-clothes.jsp>

4. www.professionalwetcleaning.com

5. Google Keyword Tool, conducted 9.20.2012, 1:28 p.m. against the phrase “wet cleaning” by people using desktops and laptops.

6. Google Keyword Tool, conducted 9.20.2012, 1:35 p.m. against the phrase “dry cleaning” by people using desktops and laptops.

(5) Assuming the Commission amends the Rule to permit a wet cleaning instruction, should the Commission also amend Section 423.8(d) of the Rule, which exempts products that can be cleaned safely under the harshest procedures from the requirement of a permanent care label? If so, how? What evidence supports your answer?

We do not see the need to change Section 423.8(d).

(6) To what extent do dry cleaners use solvents other than petroleum and perc? To what extent do they use each of these dry cleaning solvents? How do these other solvents compare to perc with respect to performance and environmental effects? To what extent do they use multiple solvents? What evidence supports your answer?

There were 960 licensed dry cleaning locations in the United States using GreenEarth silicone as of November 2012; this number is verifiable through the GreenEarth database of licensees and [online Store Locator](#).⁷ As outlined in paragraph three of our introduction, more than 3,000 retail dry cleaners use GreenEarth silicone for their outsourced leather and fur cleaning. The true number of retail points of service for silicone-based cleaning when hotels, tuxedo rental services, restoration and heirloom services are accounted for exceeds 5,100. Corollary data would not exist for other solvent types, because they do not operate as a shared information network. Based on estimates given to GreenEarth by representatives from machine manufacturers, the number of machines running with Formaldehyde Dibutyl Acetal (Solvon K4 and NuSolv) is less than 200, the number of machines running Carbon Dioxide is less than 10 and dropping, the number of machines running Gylcol Ether and Carbon Dioxide combined (Solvail) is less than 12 and dropping, the number of Dipropylene Gylcol t-Butyl Ether (Rynex) machines is less than five.

(7) To what extent do manufacturers and importers disclose fiber content information on labels providing care instructions? What evidence supports your answer?

Our estimate is approximately 80-90%, according to feedback from our member network.

(8) To what extent do manufacturers and importers use care symbols to provide care instructions for garments and piece goods sold in the United States? To what extent do they use symbols alone? To what extent do they use care symbols in conjunction with written instructions? To what extent do they use ASTM symbols without using ISO symbols, ISO symbols without using ASTM symbols, or both ASTM and ISO symbols? What evidence supports your answer?

GreenEarth estimates that 90% manufacturers and importers use care symbols to provide care instructions for garments and piece goods sold in the United States, less than 10% use symbols alone, and more than 80% use care symbols in conjunction with written instructions. Evidence for this is feedback from our dry cleaner member network.

(9) Is there empirical evidence regarding the extent to which consumers understand or rely on care symbols or find labels using multiple symbol systems, confusing? If so, please submit such evidence.

7. <http://www.greenearthcleaning.com/?page=Storelocator>

A [Textile Industry Affairs report](#)⁸ on a 2008 study by the NPD group, Inc. reported that 80% of consumers read care labels before making a purchase decision. The Tide website reports that a [2006 study](#)⁹ by Cotton Incorporated's Lifestyle Monitor™ estimated that 50% of people read the care label before making a clothing purchase. A [2012 study](#)¹⁰ by the same Cotton Incorporated's Lifestyle Monitor™ indicates that care label instructions are “very important” to 34% of U.S. women in considering a purchase of apparel. We are not aware of any studies by the ASTM, ISO, or any other organization to empirically confirm actual consumer behavior that results from reading a care label, or whether consumers understand the actual symbols or multiple symbol systems. Common sense would support that specific terms, like “Dry Clean Only” and “Do Not Wash” are clearly established by convention and well understood by consumers as warnings about the risks of these cleaning methods for a particular garment.

(10) The meaning of one dry cleaning symbol in the ASTM symbol system currently permitted by the Rule, a circle with the letter P inside, changed significantly in the revised ASTM symbol system. The currently permitted symbol means dry clean with any solvent except perc. In contrast, the symbol under the revised system means dry clean with perc or petroleum. Should the Commission amend the Rule to address this issue? If so, how? What evidence supports your answer.

Yes. We believe the Proposed Rule should be amended to clarify confusion around the existing circle P symbol. Evidence for this is the need the FTC has to be in sync with the ASTM and ISO standards it relies on for care symbols. In our view, however, the issue is larger than whether or not to update the Rule to reflect the ASTM definitions. The real issue is that the definition of “P”, under both the existing Rule and the ASTM/ISO standards no longer meets the needs of today’s marketplace. The definition of circle F also requires updating.

The intent of the symbol classification system is to identify the safest available methods of care for the garment. The system, and the definition of its symbols, has evolved over the years along with the marketplace. Earlier standards utilized three dry cleaning symbols: circle A (dry clean in all solvents), circle P (dry clean in all solvents except trichloroethylene), and circle F (only petroleum solvents may be used). When solvents more aggressive than perc were removed from the market, the ASTM and ISO adopted a two-symbol system, with circle P playing the role of circle A and circle F serving the need it always has, instructing for a gentler solvent when the aggressiveness of perc creates a damage risk for fibers, trims and components. Today, perc and petroleum are no longer the only viable solvent choices available. Yet, as currently defined, the ASTM and ISO care symbols recognize only two dry cleaning solvents: perc and petroleum (specifically hydrocarbon, designated by F). Both standards state that a circle P means the garment can be processed safely in either perc or petroleum, and that a circle F means a garment can only be processed in hydrocarbon (at distillation temperatures between 150°C and 210°C, flashpoint 38°C to 70°C).

The ASTM and the ISO symbols do not serve the purpose of the Proposed Rule if they preclude instructions for the additional alternative solvents recognized by the Rule. GreenEarth silicone is a case in point. As evidenced in Exhibit A, cleaning tests conducted by the Procter & Gamble Company prove that GreenEarth performs more gently than perc and even hydrocarbon.

8. <http://www.textileaffairs.com/docs/apparel1-050608.pdf>

9. <http://www.tide.com/en-US/printArticle/long-live-clothes.jsp>

10. <http://lifestylemonitor.cottoninc.com/factors-for-women-purchasing-clothing>

And it does so without the environment risks posed by petroleum solvents; it is not a HAP (Hazardous Air Pollutant) or a TAC (Toxic Air Contaminant), and has been specifically exempted from U.S. EPA VOC (Volatile Organic Compound) classification. What justification is there not to recognize a proven dry cleaning solvent alternative that eliminates risk of harm to fabrics and the environment, and is readily available in the U.S.?

The broader point is that none of the FTC-recognized alternative dry cleaning solvents are included in the ASTM D5489-07 and ISO: 2005 (or 2012) standards approved by the Proposed Rule. This clearly limits their potential to do business, as well as the ability of the updated Rule to serve the intended purpose of the Proposed Rulemaking.

GreenEarth recommends that care labels return to the “dry clean in any solvent” instruction, and expand the “no perc” instruction beyond petroleum/hydrocarbon to include other gentle alternatives. This would significantly improve the Rule’s ability to serve consumers, manufacturers and dry cleaners.

GreenEarth recognizes the governance complications of suggesting amendments to the circle P and circle F dry cleaning symbols and their definitions because they require updates to standards determined by an independent organization. However, we trust that the Commission would not compromise the effectiveness and underlying modernization principle of the Proposed Rule, nor would it intentionally harm the ability of businesses to compete. GreenEarth is evidence of the business case for updating the ASTM and ISO care symbols. More than 90% of the GreenEarth Affiliated cleaners in the U.S. use only one textile cleaning method, GreenEarth silicone. Under the current and Proposed Rule, they would not be able to legally comply with the care symbols proposed for approval by the Commission.

NOTE: The Commission may recall that in its 2011 proposal, GreenEarth recommended that care instructions be simplified by tying professional textile cleaning symbols to cleaning characteristics rather chemical names. Our intent was to propose adoption of a simple, objective and verifiable dividing line for professional textile care symbols to identify when ‘any method’ could be used and when ‘non-aggressive’ methods should be used to prevent damage to delicate fabrics, trims and components. This approach would preserve the intent and utility of the current Standards while eliminating the existing complexities of compliance. The number of professional cleaning methods available in the market fluctuates a great deal over time; an objective metric of aggressiveness would provide reliable reasonable basis for manufacturers and importers in providing care instructions, decreasing the need for and cost of testing different cleaning methods. It would also improve the ability of professional textile cleaners to provide care appropriate to the intention of the label, regardless of which professional cleaning methods are available on the market at any given time.

Our 2011 recommendation proposed that Kauri-Butanol Value (KBV) of 35 be used as the measure and dividing line for aggressiveness. This was because KBV is widely recognized in the textile care industry as having the greatest influence on the processing of textiles, and KBV of 35 has been proven safe for a wide variety of problem fabrics, materials and finishes. However, other metrics could serve the same purpose (scientists have recommended Hansen’s Solubility Parameter, for example). Our goal was to have a simpler system that both manufacturers and professional textile cleaners could consistently rely on, irrespective of marketplace dynamics; an approach that would reduce the testing cost burden on manufacturers and help eliminate the need for the impossible labels we see every day saying, “Dry Clean Exclusive of Trim.” or “Do Not Wash. Do Not Dry Clean.” We respect the Commission’s reluctance to change a system so long established; however, we continue to believe there is a better approach for all stakeholders.

As alternative solvents are introduced, some prove themselves - many do not. The issue with chemical name-based classification is evident in the Proposed Rule. The Rule recommends four additional solvents for inclusion in the dry cleaning definition: GreenEarth silicone, glycol ether, carbon dioxide and aldehyde. Together they represent a realistic snap shot of the evolving solvent marketplace. GreenEarth silicone was introduced in 1999, is currently used through more than 5,100 U.S. stakeholders in the textile cleaning industry and its use is growing at an increasing rate. Glycol ether and carbon dioxide are examples of alternative solvents that have proven unreliable over time; they were embraced as they came into the market, but use has been steadily declining to the point where now, combined, there are less than 20 machines in operation and machine production has stopped. Aldehyde (known as Solvon K4 and NuSolve, a Formaldehyde Dibutyl Acetal) is a new solvent. It appeals effectively to dry cleaners needing to move away from perc from a regulatory point of view but who want perc-like aggressiveness. But because it has only been on the market for two years, it is too soon to tell if aldehyde will stand the test of time.

If the Rule ultimately recognizes all of these solvents, there is a corresponding responsibility for manufacturers to recognize their differing chemical properties as they relate to garment care. Like perc, glycol ether and aldehyde are aggressive chemicals. The operational issues of processing with glycol ether are well known, and in fact, they are the reason why it has virtually disappeared from the market. While Solvon K4 and NuSolve have not published any verifiable chemical information or testing results for Formaldehyde Dibutyl Acetal, reports from the field suggest that it is associated with damage to certain trims and components. The point here is not to disparage our competitors; competition is healthy and good for consumers. But solvents come and go. As long as care instructions are tied to chemical names rather than chemical characteristics, there is a strong probability the symbols cannot remain current.

(11) Do the proposed amendments to the Rule's reasonable basis provisions clarify them adequately? Is any additional clarification needed? If so, what? If not, why not? What evidence supports your answers?

GreenEarth wholeheartedly supports the Commission's recommendation to clarify its definition of reasonable basis. We agree with the examples proposed by the Commission but further suggest that additional specificity would enhance clarification. As expressed by the authors of the new 2012 ISO standard, "The variety of fibers, materials and finishes used in the production of textile articles together with the development of cleansing and care procedures makes it difficult and often impossible to decide on the appropriate cleansing and care treatment for each article simply by inspecting it."¹¹ Any and all additional support given manufacturers, importers and professional textile cleaners to identify potential concerns would lead to better customer care. GreenEarth suggests the proposed examples be expanded slightly, to eliminate doubt.

We do not presume to suggest exact wording; however, to clarify our suggestions, below is an example of how the wording might be amended. The Commission's currently proposed wording is in black; GreenEarth's additional suggested examples are inserted in blue.

- i. the color of one part often bleeds onto another part when the finished garment is washed;
- ii. a dye that is known to bleed, **sizings, elastics, vinyl, acetates, triacetates, polyurethanes, silks, natural skins**, beads, buttons, sequins **or other plasticizers** that are known to be damaged often in dry cleaning are used;
- iii. a garment contains several fibers, fabrics or components not previously used together
- iv. **a garment contains water soluble dyes, wool, natural fiber or skins when wet cleaning is the recommended cleaning method.**

11. http://www.iso.org/iso/home/news_index/news_archive/news.htm?refid=Ref1549

Trade association publications provide evidence of the need for reasonable basis specificity through routinely issued advisory notices on garments that cannot be safely dry cleaned in perc and/or petroleum. Issuance of these advisory notices, issued by Drycleaning & Laundry Institute (“Heads Up” and “Not in Vogue”) and by the National Cleaners Association (“Watch Outs”) has been standard practice for more than 30 years. Manufacturer labeling instructions are frequently cited as the cause of damage. The majority of industry alerts cite damage caused by the use of perc to clean the fabrics, trims and components suggested for inclusion above. Examples of alerts and damages can be found on the [DCCAS website](#), Australian dry cleaning dispute resolution service.

Further evidence of the need for clarification of reasonable basis, and of the need for GreenEarth Cleaning to be included in the recognized solution set, are submissions on the Proposed Rulemaking provided to the FTC by perc dry cleaners. For example, [comment #19](#) and [comment #25](#) both cite examples of many designer garments and components that in their experience, cannot be safely cleaned in “any” dry cleaning method. These are cited as evidence for the need for whole garment testing prior to labeling. These components and garments could be safely and accurately labeled if there were a mechanism within the Rule and corresponding ASTM and ISO symbols to allow for it.

(12) The record did not establish a need to amend the Rule to address care labels in multiple languages. Do any of the proposed amendments to the Rule affect the need to address this issue? If so, how? What evidence supports your answer?

We do not see the need for multiple languages in the Proposed Rule.

(13) Would the following amendments impose costs or confer benefits on consumers? Would they impose costs or confer benefits on apparel and piece good manufacturers and importers, especially small businesses? Would they impose costs or confer benefits on businesses that clean apparel, especially small businesses? If so, how? If not, why not? What evidence supports your answers?

(A) Amending the Rule to permit manufacturers and importers to provide a wet cleaning instruction for garments or piece goods that can be professionally wet cleaned;

This amendment provides both benefits and costs. It benefits manufacturers, importers, consumers and businesses by offering an additional choice in professional textile cleaning, i.e. using water in lieu of a chemical solvent. We presume the Commission’s decision to include wet cleaning reflects its viability as cleaning method, and does not indicate a preferential point of view about sustainability relative to environmentally responsible dry cleaning alternatives such as CO₂ and GreenEarth silicone.

The proposed Rule would require manufacturers and importers currently labeling items with a “Dry Clean Only” instruction either to substantiate wet cleaning as an inappropriate method of care or revise their labels to read “Dry Clean”. This substantiation requirement will incur additional costs to manufacturers and importers to confirm if a garment can be safely processed in wet cleaning. While professional wet cleaning was first introduced in Germany in the early 1990’s, operational excellence has only been achieved in the past five to seven years with the advent of needed technological advancements in equipment and detergency. Given that the approved test is a simulated one, ambiguity around the effects of finishing in the wet cleaning process is another potential concern. How will simulated testing assure that garments will return to their correct size and shape after processing in water, given they are a direct result of professional tensioning equipment in a system actually operating?

The limited availability of professionally trained wet cleaners using advanced wet cleaning equipment and detergents could also burden consumers if the care instruction recommended wet cleaning and no wet cleaner was available in their area.

Lastly, as discussed in Questions 1 and 4, consumers have no awareness or understanding of wet cleaning. There is a potential cost to these consumers who could easily confuse a “Wet Clean” instruction with a wash instruction. We propose that the term “Professional” be required when “Wet Clean” is recommended to prevent confusion about whether a garment can be washed at home or if any textile cleaner can provide professional wet cleaning services.

(B) Amending the Rule to update the provision allowing use of certain care symbols in lieu of written terms by permitting manufacturers and importers to use the symbol system set forth in either ASTM Standard D5489-07, “Standard Guide for Care Symbols of Care Instructions on Textile Products,” or ISO 3758:2005(e), “Textiles – Care labeling code using symbols”;

It is essential that care symbols from both the ISO and ASTM standards be permitted on care labels. The textile, garment and apparel industry is not simply global, it is globally interdependent. A universal symbol system would better serve the needs of manufacturers, importers, consumers and dry cleaners; but in lieu of that, permission for use of either or both standards is pragmatic and necessary.

GreenEarth believes eliminating terms concurrent with on-boarding wet cleaning instructions will burden consumers, manufacturers and dry cleaners; we would prefer a phase-in period requiring terms to eliminate confusion around wet cleaning instructions by clearly communicating when garments cannot be home washed.

Because the term “Dry Clean Only” is well established and universally understood as a warning that washing would damage the garment, eliminating it to accommodate a wet cleaning instruction creates risk, not opportunity. To provide for the potential confusion arising from its elimination, GreenEarth suggests that the Proposed Rule require the term “Do Not Wash” in instances where a garment would be harmed by washing and both wet cleaning and dry cleaning are acceptable methods of care. And in instances where wet cleaning is the recommended method of care, replacing “Wet Clean” with “Professional Wet Clean” would prevent consumer confusion about damage risk.

(C) Amending the Rule to clarify the Rule’s reasonable basis requirements;

The examples to clarify reasonable basis will support the work of manufacturers and importers to determine appropriate care instructions by highlighting potential problem circumstances; it will create important benefits for the consumers the Rule seeks to protect and prevent the financial damage of claims burdens born by small business owners of professional textile cleaning businesses.

Evidence of the business case surrounding the burden of claims relating to solvent damage can be found in claims rates. While the claims rate for the dry cleaning industry has historically averaged between 1-2% of revenue, reported claims for GreenEarth silicone operators are substantially lower, .05% of revenue or less. This difference is a direct result of GreenEarth’s uniquely gentle properties – fibers, materials and finishes damaged by other solvents can be safely cleaned with GreenEarth silicone.

When care instructions have not been properly identified, a cleaner using GreenEarth silicone enjoys protection from claims costs arising from use of aggressive solvents. Given that the U.S. Census estimates dry cleaning industry revenues at nine billion dollars a year, and that claims costs average about one percent higher for cleaners not using GreenEarth silicone, the current industry cost from improper labeling can be interpreted to be significant – about 100 million dollars a year in lost income due to damage claims.

The proposed clarifications to reasonable basis would close the loophole for those manufacturers and importers who currently exploit the broad language in the existing Rule to skip testing for fibers, materials and finishes known to cause damage in certain dry cleaning solvents. If this caused garment makers and sellers to incur additional costs, they should not be construed to be a new burden imposed by the Rule since the purpose is and always has been consumer protection from improper care instructions.

(D) Amending the Rule’s definition of “dry clean”.

We see no cost burden to the addition of proven solvents to the definition of dry cleaning in the Rule, only benefits.

(14) General Questions: To maximize the benefits and minimize the costs for buyers and sellers (including specifically small businesses), the Commission seeks view and data on the following general questions for all the proposed changes described in this document:

(A) What benefits would the proposed changes confer and on whom?

The sanctioning of wet cleaning in the Proposed Rule would benefit the approximately 188 existing wet cleaners. It also has the potential to help justify the expense of investment in wet cleaning technologies for small business owners in the professional textile cleaning industry and it offers manufacturers, importers and professional textile cleaners more options for good customer care.

The clarifications to reasonable basis in the Proposed Rule would support the needs of manufacturers and importers working to comply with the reasonable basis standard and enable more accurate care instructions for the benefit of consumers and professional textile cleaners. GreenEarth believes that expanding the definition of reasonable basis to further clarify reasonable basis would strengthen this benefit. Inclusion of additional examples of fibers, materials and finishes known to be damaged by some dry cleaning solvents would better serve the purpose and reduce the considerable claims cost burden borne by professional textile cleaners. Our rationale for this comment and examples of additional clarification are detailed in our response to Questions 11 and 13C.

Updating the definition of dry cleaning to include dry cleaning solvents established in the U.S. marketplace will broaden the choices manufacturers and importers have to deliver for good customer care, enhance the ability of professional textile cleaners currently using or considering these previously unrecognized alternative solvents to do business and better protect the consumer.

Permitting care instructions to include symbols from the ASTM, the ISO, or both will greatly improve the ability of manufacturers and importers to serve consumer needs. As stated earlier, textiles and fashion are a global industry. Manufacturers and importers need this flexibility to make sure their care instructions can be locally understood.

(B) What costs or burdens would the proposed changes impose and on whom?

- a. The inclusion of wet cleaning in the Proposed Rule inadvertently imposes additional burden on the Rule, the Commission and their intended beneficiaries as long as wet cleaning remains a cleaning method with low consumer awareness and access.

GreenEarth strongly believes that professional wet cleaning represents a viable alternative for cleaning of certain stain classes, fibers, materials and finishes; wet cleaning using today's advanced technologies has a clear and lasting place in the mix of cleaning methods employed by quality textile cleaners. However, as detailed in our introduction and in our responses to Questions 1, 2, 3 and 4, the professional textile cleaning industry has not yet broadly embraced professional wet cleaning and today's consumer lacks awareness of and access to the benefits of advanced wet cleaning services by trained professionals. Updating the Rule to allow manufacturers and importers to include wet cleaning instructions does not necessarily impose direct costs to anyone. However, there would be significant costs incurred if wet cleaning were recommended on the label and consumers interpreted it to mean home washing, or did not understand that it requires professional training and equipment.

A care instruction recommending wet cleaning by manufacturers and importers wishing to utilize non-chemical cleaning as a policy-in-practice expression of their social responsibility platform would inadvertently put real burden on the consumers served by the Rule, who live in a marketplace where 99.4% of professional textile cleaners do not offer wet cleaning services. It also would impose significant burden on textile cleaners; the vast majority are small businesses unable to invest in the additional equipment and labor costs of wet cleaning.

- b. The changes to the Proposed Rule to allow dry cleaning symbols without terms, in combination with proposed provisions for inclusion of wet cleaning, has the potential to lead to garment damage as a result of consumer confusion.

An inadvertent consequence of the Proposed Rule's approval of the existing ASTM and ISO care symbols in lieu of terms creates a different set of burdens and costs which the Commission did not specifically request comment on, but which GreenEarth believes very important. The symbols specified by the Commission do not currently recognize any solvents except perc and hydrocarbon. Updating the definition of solvents under the definition of dry cleaning without a commensurate update to the care symbols and/or definitions approved by the Proposed Rule limits the ability of more than 5,100 GreenEarth stakeholders in the U.S. to compete, as well as the additional 200+ cleaners using other soon-to-be-recognized solvents. It also limits the ability of consumers, manufacturers and importers to have full access to the full range of dry cleaning technologies currently available in the U.S. marketplace. Our rationale for this comment is further detailed in our responses to Question 10.

The Commission cites the increasing industry acceptance of wet cleaning and widespread support on the public record as additional evidence supporting the appropriateness of permitting a wet cleaning instruction. GreenEarth silicone is utilized by more than 5,100 stakeholders in the U.S. alone, clear evidence that it too has established itself in the marketplace. The number of service providers currently offering GreenEarth silicone is substantially more than the number of professional wet cleaner locations. Given the facts, we believe silicone merits recognition within the ASTM and ISO care symbol standards utilized for compliance with the Rule.

The updated Rule proposes that “Dry Clean” replace “Dry Clean Only” when both dry cleaning and wet cleaning are appropriate methods of care, and symbols would be permissible without terms. Consumers could “read” a technically accurate care label instruction to interpret that home washing is an option because the term “Dry Clean Only” does not appear on the label. While we cannot produce empirical evidence to prove that consumers rely on the term “Dry Clean Only” to warn them that home washing can cause damage, common sense suggests this to be true. An array of symbols on a care label, while likely clearly understood by a professional textile cleaner, can be confusing to the consumer, particularly if they have been taught from past experience to look for the terms “Dry Clean Only” label to warn them that an item cannot be washed at home. Support for this concern is further outlined in our response to Question 13.

- c. Also of concern is that the number of true professional wet cleaners currently in operation in the U.S. remains very limited; if demand for wet cleaning services outpaces supply, misleading representation by small businesses as “wet cleaners” could likely occur.

True professional wet cleaning requires professional training and use of advanced professional wet cleaning equipment and detergents. There is no requirement for the word “Professional” to appear on care instructions in the Proposed Rule; the definition of “Wet Clean” set forth in the ISO and ASTM standards leaves some interpretive room for what constitutes special technology, detergents and additives to minimize adverse effects, or appropriate drying and restorative finishing procedures, and there is no professional training requirement advanced. We do not cite these as criticisms of the Proposed Rule, but merely to point out the potential for misrepresentation in response to consumer demand.

As evidence of this potential, we would offer for consideration the widespread use of the purposefully misleading term “organic” by textile cleaners using petroleum-based products to market themselves to consumers. These businesses are capitalizing on the fact that consumers do not understand that the term “organic” means something very different when applied to chemicals rather than food. Scientifically, “organic” can accurately be used to describe solvents that are petroleum-based because they have a carbon backbone. Gasoline is organic but that doesn’t mean people want to clean their clothes in it. Dry cleaners claiming to be “organic” are attempting to position themselves as environmentally responsible because it is important to consumers, and in the process, limiting the ability of businesses using truly environmentally preferable dry cleaning solvents, like CO₂ or GreenEarth silicone, to compete. It seems likely that the term wet cleaning could be similarly misused to capitalize on consumer demand for environmental options, claiming to “wet clean” but lacking professional training and equipment, justifying their claim on the technicality of having laundry equipment on the premises.

- d. Lastly, as stated previously, GreenEarth believes that expanding the definition of reasonable basis to include examples creates benefits, not costs; we further believe even greater cost savings could be realized with additional clarification of reasonable basis. Inclusion of examples of most (rather than some) of the fibers, materials and finishes known to be damaged by some dry cleaning solvents would better serve the purpose and reduce the damage claim cost burden borne by professional textile cleaners by as much as 100 million dollars. Our rationale for this comment is detailed in our response to Questions 11 and 13C.

(C) What regulatory alternatives to the proposed changes would reduce the burdens of the proposed changes while providing the same benefits?

- a. GreenEarth recommends that the Proposed Rule require the use of the term “Do Not Wash” during a phase-in period to assure there is no consumer confusion when home washing poses a damage risk and both wet cleaning and dry cleaning are appropriate cleaning methods. This will ensure that the elimination of the “Dry Clean Only” term in the same circumstance does not inadvertently lead to a mistaken understanding that washing might be an acceptable method of care. Rationale for this is provided in our response to Questions 13 and 14(B).

In addition, we recommend that the term “Professional” be required with the term “Wet Clean” to prevent confusion among consumers who do not understand the meaning of “Wet Clean” or how it is different from washing. This would also prevent dry cleaners that are not equipped with professional training or advanced equipment to make misleading claims about their ability to offer wet cleaning.

- b. GreenEarth also recommends that the ASTM and ISO dry cleaning care symbols and their definitions be updated. Specifically, we recommend that the solvents encompassed by the standards are the same as those encompassed by the Commission’s new definition of dry cleaning.

We further suggest that in recognizing additional solvents, the ASTM and ISO should return to a symbol indicating that “any solvent” can be safely used and expand the definition of its “not perc” symbol (currently circle F) to encompass all solvents that can be safely used for garments containing fibers, materials and finishes at risk of damage in perc. Cleaning tests conducted by the Procter & Gamble Company demonstrate measurable advantages for the GreenEarth cleaning method over perc and hydrocarbon in color change, dimensional change and tensile strength (see Exhibit A), yet currently there is no mechanism to allow for its inclusion on care labels either through the FTC or the ASTM/ISO.


An ‘all solvents’ instruction can be achieved in a number of ways: expanding the definition of circle P, returning to the circle A symbol, or creating a new symbol. In our view, any symbol that eliminates the letter designation P would offer an added benefit of eliminating confusion stemming from the ASTM’s reversal of what the letter P has meant over time as well as solvents encompassed by the new Rule. Changing the letter in the existing circle F would similarly help convey that there is a new definition now in place and that F no longer simply means hydrocarbon. Further rationale can be found in our answers to Question 10.

- c. GreenEarth further recommends additional clarification of reasonable basis to identify the known examples when a dry cleaning technology can cause damage to fibers, materials and trims. Specifically we propose that the examples be expanded to include sizings, elastics, vinyl, acetates, triacetates, silks, leather and plasticizers, known to be problem items for traditional dry cleaning, as well as to include examples of fibers and dyes known to be at risk of damage with wet cleaning. Further rationale is provided in our answer to Question 11.

- d. Finally, if widespread understanding and awareness of professional wet cleaning and/or the additional tenants of the new Rule will be viewed as a metric of success, GreenEarth believes concerted education efforts will be necessary, either by the Commission, stakeholder industries or both.

Dry clean care instructions produced under revised definitions in the Rule may be confusing if there is little discernable difference from those produced under the prior Rule. As currently proposed, there is likelihood of confusion occurring relative to the cleaning method instruction. We assume that the Commission will be issuing a publication and providing website access to the new Rule, however the practical applications of the Rule may well require proactive education similar to the CLEAN campaign undertaken with the last update. For our part, GreenEarth will work actively with its Affiliates to ensure proper care within our member base. We also stand ready to partner with the Commission, manufacturers and importers, apparel and dry cleaning industry trade groups to lend resources to and facilitate broad understanding of, as well as compliance with, the new Rule.

Respectfully submitted,



Tim Maxwell, President
GreenEarth Cleaning

P.S.

As we prepared this submission, it was easy for us to become absorbed in the details of providing constructive comments on the questions posed by the Commission. We appreciate how difficult it must be to balance a complex issue involving so many stakeholders. Stepping back, we believe there is another crucial question that should be raised. The Commission and industry stakeholders rely on the ASTM and ISO Standards in order to comply with the Rule. If the Standards are not updated to include viable dry cleaning solvent alternatives, can the Proposed Rule be effectively implemented?

Exhibit A

GreenEarth Cleaning Public Comment

16 CFR Part 423, Project No. R511915

Tuxedo Jacket Cleaning Test

The test was designed to compare color change, dimensional change, tensile strength and pilling of tuxedo jackets after being cleaned in 30 cycles and 70 cycles of perc, hydrocarbon and GreenEarth silicone.

Overall, the tuxedos are constructed of very sturdy polyester fiber. The garments were analyzed for color change using the Hunter Colorimeter. Dimensional change was measured by exact measurement and overall examination. The number of pills was determined using the Pilling Imaging Analysis.

Analysis of Test Results

Color Change: GreenEarth silicone performed the best (the least change in color from initial). As the number of cleaning cycles increase, the variance increases. Given the number of cleaning cycles involved, the test results are not technically statistically valid, although with additional cleaning cycles, it is projected that the results would be verified with statistically valid data.

Dimensional Change: Statistically there is virtually no change from the initial in tuxedo jackets cleaned in the GreenEarth silicone. Tuxedo jackets cleaned in perc and hydrocarbon show some stretch beyond the <3% allowable variance. Again, the variances increase with the number of cleanings.

Visual Analysis: Tuxedo jackets cleaned in perc and hydrocarbon showed button damage after 70 cycles. The fabric top of the button was missing and in one case the entire button was gone. No button damage was detected after 70 cycles in GreenEarth silicone.

The fabric on the under side of the lapel of the jackets cleaned 70 cycles in perc and hydrocarbon was pilled. The lapel of the jacket cleaned 70 cycles in GreenEarth silicone was as smooth as the initial. The jacket cleaned in GreenEarth Silicone was softer than the jackets cleaned in perc and hydrocarbon.

Pilling Image Analysis: Overall, the numbers were very low, due primarily to the construction of the polyester fabric. A slightly higher number of pills was noted for the jacket cleaned in perc.

Tensile Strength: Analysis of the fibers showed a slightly better tensile strength for jackets cleaned in GreenEarth silicone, but it was not statistically significant.

Overall Summary: In all tests GreenEarth silicone outperformed perc. GreenEarth also outperformed hydrocarbon in all tests other than pilling. Given the fabric utilized in the construction of the tuxedo jackets, less variance was seen than would be anticipated in softer, natural fibers, such as wools, linens, silks, etc.

Results

Color Change:

<u>Back of Jacket (30 Cycles)</u>	<u>L</u>	<u>A</u>	<u>B</u>	<u>DE</u>
New Jacket	14.10	0.39	-0.23	
GreenEarth	13.70	0.18	0.26	0.42
Hydrocarbon	13.57	0.30	0.26	0.53
Perc	13.36	0.50	0.31	0.76

<u>Lapels (70 Cycles)</u>	<u>L</u>	<u>A</u>	<u>B</u>	<u>DE</u>
New Jacket	17.84	0.45	-1.03	
GreenEarth	16.68	0.44	-0.98	1.16
Hydrocarbon	16.32	0.69	-0.69	1.52
Perc	16.02	0.32	-0.69	1.86

L = Measure of white to black.

a = Measure of green to red.

b = Measure of blue to yellow.

DE = Average of the square of L+a+b (statistical variance).

Dimensional Change:

<u>70 Cycles</u>	<u>Left Sleeve Inseam</u>	<u>Right Seam Inseam</u>	<u>Back Seam</u>
GreenEarth	-0.75	-1.99	-0.39
Hydrocarbon	3.76	2.48	0.78
Perc	4.26	2.73	0.91

*A negative number indicates shrinkage. A positive number indicates fabric stretch. Acceptable shrinkage or stretch is <3% after 3 cycles.

Pilling Image Analysis:

<u>Jacket Cuff (70 Cycles)</u>	<u># of Pills</u>
GreenEarth	43
Hydrocarbon	45
Perc	59

**P&G CONFIDENTIAL -- Not to be Shared Further Without P&G Approval
(Approved for Release to Men's Wearhouse by P&G, 10-28-02)**

*The overall number of pills is low. This is due primarily to the sturdy weave of the polyester fabric. It is expected that this measure would be much greater with loosely woven wools.

* * * * *



Initial

GreenEarth 70 Cycles



Hydrocarbon 70 Cycles



GreenEarth 70 Cycles



Perc 70 Cycles

