

FTC Green Guides Revisions | Compostable Products

Product Manufacturer Comments

November 30th, 2010

Manufacturer Interest and Intention of Comments

For a manufacturer of compostable products, truthful and substantiated environmental claims are core components of business success. Compostable products are differentiated from other disposable products by the environmental attributes associated with their ability to decompose quickly in a controlled setting and comprise a product category entirely defined by the label “compostable”. Substantiating and effectively communicating to consumers the attributes and benefits of compostable material versus land-fill waste material is essential to the compostable products industry.

FTC guidance on environmental claims, especially compostable claims, has a significant effect on this growing industry. When it clarifies the meaning of “compostable” for consumers, manufacturers, and organic waste processors (home composting devices, industrial composting facilities, anaerobic digesters, and all other waste processing designed for source separated organic materials), this guidance facilitates standardization necessary to the success of the entire organics supply chain. When it does not, the guidance disproportionately amplifies market confusion. These comments on the Proposed Revisions to the Green Guides are intended to help the FTC provide clear guidance to consumers and stability for this emerging industry.

Scientific Standards

We appreciate the FTC’s call for competent and reliable scientific evidence to substantiate product claims (§260.2), the manner in which the proposed revisions further clarify the definition of such evidence (§260.2), and the requirement of such evidence for compostable claims (§260.7b). However, we find this guidance at odds with the logic of several elements of the FTC’s proposed guidance on compostable products. The following specific issues illustrate these concerns.

Composting Time

The FTC proposes defining the timeframe for product decomposition into usable compost as “approximately the same time as the materials with which it is composted, e.g., natural plant matter” (Proposed Revisions, page 80). The challenge with this definition is the variety of decomposition times present in natural plant matter. Some elements of organic waste decompose into usable compost in a matter of weeks, others in a matter of months. For example, high cellulose biomass, such as bark and branches, take longer to decompose into usable compost than food scraps from fruits and vegetables. The variety of decomposition times present in natural plant matter makes a definition of composting time based on “natural plant matter” vague. More specificity is



US Office: 16540 SW 72nd Ave
Building #7
Portland, OR 97224
USA
Tel: 503-295-4977
Fax: 503-295-4978

HK Office: 23rd Floor, On Hong Commercial
Building
145 Hennessy Road, Wanchai
Hong Kong
Tel: 011-852-35823300
Fax: 011-852-35785367

required, such as a specific length of time based on a specific subset of “natural plant matter”.

Proposed FTC guidance on biodegradable product claims specifies one year as the maximum time allowed for degradation (§260.8c). Does this same time frame, one year, apply to compostable product claims? Does this same time frame apply equally to commercial facilities and home compost piles or devices? Please confirm or clarify.

When specifying a time frame for biodegradation and composting, it is important to also specify the conditions under which material decomposition should occur within the specified timeframe. Otherwise, variation in real-world conditions across composting facilities and home composting piles and devices will render a time-only definition meaningless. For example, a product will degrade or compost within one year under what levels of temperature, moisture and oxygen? Will the home compost pile or compost facility require aeration or turning of materials? Will the product degrade or compost under anaerobic conditions used in digesters which extract biogas energy from organic wastes prior to composting? Without these conditions specified, a time frame for composting and decomposition lacks sufficient information to guide the development of scientific standards to substantiate product claims. We suggest that the FTC identify specific conditions of temperature, moisture, and oxygen for the substantiation of compostable product claims, in addition to a specified time period.

Conditions of Composting Facilities

The FTC identifies the real world discrepancies between home compost piles and large-scale composting facilities, the wide variation in composting facility operations, the discrepancies between optimum and real-world composting conditions, and the lack of operating requirements for large-scale composting facilities (Proposed Revisions, page 78). This variability leads the FTC to reject ASTM protocols 6400 and 6868, scientific standards tested under laboratory conditions. As the revisions note, “it is doubtful that there are typical large-scale composting practices consistent with the ASTM protocols” and “it does not appear that the ASTM protocols substantiate compostable claims” (Proposed Revisions, page 79).

Does this mean that third-party product certifications claiming the label “compostable” based on ASTM protocols 6400 and 6868 will now be found in violation of FTC guidance? Please clarify.

Given the inherent variety in real world composting, what competent and reliable scientific evidence would substantiate compostable claims from the FTC’s perspective? By the logic above, laboratory testing of biodegradation is insufficient because this testing does not reflect all permutations of real-world biodegradation. This is



US Office: 16540 SW 72nd Ave
Building #7
Portland, OR 97224
USA
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Fax: 503-295-4978

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inconsistent with FTC calls for scientific substantiation of compostable claims (§260.7b), which requires standardization.

The FTC provides no guidance on what form of scientific testing could serve as an adequate proxy for real-world composting conditions. We believe it must. By what measure – real world or laboratory based – should manufacturers test products to substantiate compostable claims? How does one define “compostable” in the context of real world variety in composting conditions such as temperature, moisture levels, oxygen exposure and time? Please clarify.

The revised guidelines also do not mention industrial processes for anaerobic digestion. These processes use organic wastes to produce biogas energy and a distillate that can be further processed into usable compost. Anaerobic digestion uses a process and chemistry distinct from windrow composting facilities. The result is usable compost, as well as renewable energy, extracted from the decomposition process. This higher-value use of organic waste is likely to complement or replace composting facilities in many parts of the country over the next decade. To be inclusive of real-world composting conditions, the definition of composting conditions sufficient for product labeling should be parsimonious with anaerobic digestion processes.

Access to Composting Facilities

The FTC notes a scarcity in municipal composting facilities and proposes qualifications to product claims for the purpose of disclosing this scarcity. In particular, disclosure is needed when facilities “are not available to a substantial majority of consumers or communities” (Proposed Revisions, page 77). However, if a manufacturer can substantiate that a product can be converted safely to usable compost in a timely manner in a home compost pile or device, then the extent of local or institutional composting facilities is irrelevant (§260.7 Example 1).

This distinction between industrial and home composting highlights the need for further clarification of the composting conditions under which product testing can be used to substantiate compostable product claims. If, as §260.7 Example 1 suggests, substantiation of “compostable” can be unique to home composting or institutional composting because conditions vary between these two organic waste destinations, then the FTC should articulate the parameters which distinguish these destinations for the purposes of scientific substantiation of compostable product claims for each destination.



US Office: 16540 SW 72nd Ave
Building #7
Portland, OR 97224
USA
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Fax: 503-295-4978

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FTC Role and Influence

The proposed revisions assert that the FTC's purpose in writing the Green Guides is merely to provide advice regarding customer interpretation of environmental marketing, and not to a) establish environmental performance standards, b) identify environmentally preferable industry practices, or c) propose guidance on the development of third-party certification programs (Proposed Revisions, page 65). The FTC must recognize, however, that guidance such as the time frame for decomposition *does* set the parameters for industry performance standards and third-party certification. By defining time frames that can and cannot be used in degradable product claims, this advice renders performance standards and certifications outside of FTC parameters meaningless. By evaluating the merits of specific protocols for compostable products, such as ASTM 6400 and 6868, the FTC exercises judgment on actual performance standards.

In some established industries, it may be the case that FTC guidance primarily influences marketing claims that manufacturers make about existing products. However, in emerging industries, such as the compostable products industry, FTC guidance dictates the definition of an entire product category. It influences not only what manufacturers claim about products through marketing, but also choices that manufacturers make about product offerings and new product research and development. It influences labeling standards of interest to consumers, manufacturers and organic waste processors deciding which products to accept at industrial composting facilities. In short, FTC guidance either facilitates the growth of the composting and organics waste industry through clarity and consistency or impedes this industry through uncertainty and inconsistency.

As the only federal entity responsible for the definition of compostable products, we urge the FTC to acknowledge the influence that the commission has on this emerging industry and to provide guidance that reflects this influence. This need not require exact specification of particular environmental performance standards, industry practices, or third-party certifications. This will require guidance that creates sufficient boundary conditions for the establishment of scientifically substantiated standards, practices, and certifications.

Summary

We appreciate FTC attempts to strengthen guidance for environmental claims, but we do not find the proposed revisions adequate in addressing the disparity between real world variation in composting conditions and the need for minimum uniform scientific standards and definitions applied to "composting". A lack of common understanding and standardization in organics waste processing across the country is impeding the ability of product manufacturers and composting facilities to build a transparent and consistent



US Office: 16540 SW 72nd Ave
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Portland, OR 97224
USA
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organics supply chain. If FTC and colleagues fall short of addressing these discrepancies, the agency will obfuscate rather than clarify the meaning of “compostable” and create further confusion and costly fragmentation in an uncertain marketplace. By providing guidance that explicitly addresses these tensions and prescribes a framework of boundary conditions for the basis of scientific verification of compostable claims, the FTC can clarify the meaning of “compostable” for consumers, composters, and compostable product manufacturers alike.

In the absence of such guidance, we recommend using ASTM 6400 and 6868 to substantiate compostable product claims. As the only recognized testing standards currently used for scientific verification of compostable products, these standards provide much needed ground rules and boundary conditions. Industry needs structure and standardization both for verification of current products and for creative constraints on future product innovation. If FTC and colleagues find ASTM 6400 and 6868 insufficient, then we expect FTC and colleagues to propose alternatives more attractive to both product manufacturers and organic waste processors. In the absence of such alternatives, ASTM 6400 and 6868 provide the most effective scientific basis for compostable product claims.



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