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Mr. Jon Leibowitz, Chairman
Ms. Julie Brill, Commissioner
Mr. William E. Kovacic, Commissioner
Ms. Edith Ramirez, Commissioner
Mr. J. Thomas Rosch, Commissioner
Federal Trade Commission
Office of the Secretary, Room H-135
(Annex J), 600 Pennsylvania Avenue,
NW, Washington, DC 20580

Re: Proposed, Revised Green Guides, 16 CFR Part 260, Project No. P954501

Dear Chairman Leibowitz and members of the Commission:

On behalf of the Plastics Environmental Council, Inc. (“PEC”), a not for profit corporation under Illinois law, I would like to take the opportunity to comment on the Proposed Revisions to the Federal Trade Commission (“FTC”) Green Guides as published in 16 CFR Part 260, Project No. P954501. Specifically, I would like to offer the PEC’s observations pertaining to that portion of the Proposed Revisions that concerns Degradable Claims. This is found in 16 CFR Part 260, Project No. P954501, Section V, Subsection C in Vol. 75, No. 199, pages 63568 – 63570 and 63603 (October 15, 2010).

The present commentary focuses on the FTC’s treatment in the aforesaid reference of biodegradability of materials in landfills. The commentary respectfully submits that the FTC’s description of landfill biodegradation is based on obsolete information that has been significantly updated during the timespan bridged by the FTC’s reference base. We present this in the following attached document:

A Review of Biodegradation Technology in Today’s Biologically Active Landfills; Charles J. Lancelot, Ph.D. (December 04, 2010)

Our commentary further provides a detailed technological assessment of recent advances in the art of biodegradation of conventional plastic materials in the environments encountered in all landfills, where for the most part no air is present. This is presented in the following attached document:

Anaerobic Biodegradation of Conventional Thermoplastics as Induced by Organic Additives; Charles J. Lancelot, Ph.D. (December 04, 2010)

Taken together these documents conclude that suitably treated conventional plastics will biodegrade, with every indication to date that the degradation will be complete, when disposed of in landfills, which is where 93% of them will end up⁽¹⁾. While this process will not take many decades or more, as was the case in the older, inert landfills described in the FTC’s Proposed Revisions, it will take place in the timeframes required by biodegradable species in today’s much

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more biologically active landfills, but which is generally not as short as one year. The FTC's one-year timeframe requirement is based largely on a 2006 opinion survey of ordinary consumers' perceptions of the fate of claimed biodegradable products in any disposal environment.

The Plastics Environmental Council (PEC) concludes and recommends the following:

Whereas during the past two decades, landfills have increasingly moved from operation as strictly sanitary holding units, or dry tombs, managed to minimize biodegradation as referenced in the *Revisions*, to commercially viable bioreactor landfills managed to accelerate and maximize biodegradation as a source of valuable recovered energy, and

Whereas in addition to the availability of environmentally attractive naturally-derived bioplastics, technology now also exists to render conventional plastics biodegradable in their venue of primary disposal - landfills – while fully maintaining their original recyclability, and

Whereas today's accelerated landfill biodegradation processes now operate in terms of years, not decades as with the old dry tombs, but not as fast commercial composters that are mechanically managed to operate in terms of months but are outnumbered by landfills by almost 7/1,

The PEC thus submits that, rather than accede to a popular misconception as to biodegradation time spans under any imaginable circumstances and so mandate a blanket biodegradation time limit, the FTC could provide a great service by educating the public as to the proven facts of all the modern end-of-life scenarios. This would include the fact that suitably made and properly labeled biodegradable products indeed will biodegrade in the venue of greatest prevalence – modern, active landfills – but the timeframe will be several years, not one year or many decades, and valuable energy recovery will occur as well.

Therefore, the PEC recommends that it should remain permissible, as is the case with the current Green Guides, for a product to be conscientiously marketed in good faith as biodegradable provided that suitable, accurate and scientifically supportable qualifications are provided to support such claims.

There is plenty of information contained and referenced in this and the companion documents^(1c) to arrive at such good-faith qualifications, thus making it possible for the FTC to provide detailed guidance in order to prevent misleading, unqualified biodegradability claims.

Respectfully submitted,

Charles J. Lancelot, Ph.D.

(1) U.S. EPA, *Municipal Solid Waste Generation, Recycling, and Disposal in the United States Detailed Tables and Figures for 2008*; Office of Resource Conservation and Recovery (November, 2009). This document indicates that only 7% of plastics are recovered.