



Earth911

1375 N. Scottsdale Rd. 360
Scottsdale, AZ 85257

December 10, 2010

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

Earth911 would like to commend the Federal Trade Commission (FTC) on its proposed revisions to the Green Guides, a step forward in the dialogue and regulation associated with environmental marketing claims.

As the focus of Earth911 is to provide accurate end-of-life solutions for consumer products through the ownership and management of the nation's largest recycling and proper disposal database, our response to the revisions will generally focus on sections V.E., "Recyclable Claims," of the "Proposed Revisions To The Green Guides."

Substantial Majority Threshold

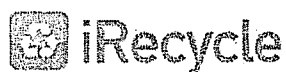
It is Earth911's position that the FTC should absolutely quantify the substantial majority threshold, making compliance with the recyclable guidance straightforward and equitable. It is especially important with a three-tiered disclosure approach to distinguish how those tiers are numerically distinguished so companies are able to market their products accordingly.

Earth911 can accurately and quickly determine in which tier a product belongs by calculating the percentage of a population that has access within a certain mileage radius. These percentages of the population with access can be calculated at a national, regional, state, city or zip code level. This reporting offers verifiable data, which is audited and updated quarterly and pulled from more than 740,000 recycling and proper disposal resources, for supporting recyclability claims on products.

In addressing third-party certifications as substantiation, while Earth911 is not a certifying authority, our method for reporting on recycling availability does meet substantiation requirements referenced in V.B.3c. "Third-Party Certifications as Substantiation." Earth911's substantiation method for recycling availability clearly states that the marketer is responsible.



1375 N. Scottsdale Rd., Suite 360 Scottsdale, AZ 85257
Phone: (480) 889-2650 Fax: (480) 889-2660



1-800-CLEANUP



Positive Disclosures for Recyclable Claims

Earth911 supports the use of a three-tiered disclosure approach, **quantitatively** identifying recyclability by "substantial majority," "significant percentage," or less than a significant percent; however strongly cautions that a phrase indicating limited availability, without a resource for consumers to find more information, would create consumer confusion.

A phrase such as, "*Recyclable in limited areas, call 1-800-xxx-xxxx or visit. www.—.com*" would be dramatically less vague than "*check to see if recycling facilities exist in your area*" or "*this bottle may not be recyclable in your area.*"

Phrasing that points consumers to an auxiliary resource would provide a simple call-to-action message without creating additional confusion or decreasing likely recycling attempts.

The FTC states that the goal of these revisions is to strengthen, add specificity to, or enhance the accessibility of the current guidance. All three of these goals are met by recommending that an informational resource, such as a website or toll-free number, where consumers can easily access recycling information, be included in recycling claims. This will empower consumers to make informed purchasing decisions on the spot.

A concurrent recommendation is that the FTC put requirements on any toll-free number included in recycling claims. The EPA currently uses the following guidelines in EPA PR Notice 2007-1:

II.E.

The criteria are that the number or website:

1. Provide 18-24 hour service to callers;
2. Be cost free to the caller;
3. Be nationally viable; i.e. have the same phone number available in all states;
4. Provide disposal instructions that reflect the advice of the local solid waste authority for the caller's location, or provide a direct phone number for the caller's appropriate local or state authority, or both; and
5. Be reasonably assured of reliable, long-term funding to ensure the number or website's continued existence at an operating level sufficient to meet demand.

Earth911 looks forward to continued and increasingly accurate "green" messaging in the consumer marketplace through these revisions.

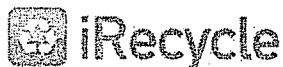
Sincerely,

Sandra Keil
2010.12.09
14:29:11 -07'00'

Sandra Keil
Vice President
Government Relations & Industry Affairs



1375 N. Scottsdale Rd., Suite 360 Scottsdale, AZ 85257
Phone: (480) 889-2650 Fax: (480) 889-2660



1-800-CLEANUP