

December 10, 2010



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

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

On behalf of 3M Company, we are pleased to provide comments to the Federal Trade Commission (FTC) regarding its Proposed, Revised Green Guides. 3M appreciates the opportunity to further participate in the comment process. Our company continually strives to improve the environmental quality of our products, packaging, and operations and is supportive of the FTC's efforts to provide industry with clear guidance when using environmental marketing claims.

3M commented in 2008 when revisions to the Green Guides were first proposed. With respect to the 2010 proposed, revised guides, 3M requests that the FTC provide further clarification in two areas;

Compostable Claims  
Degradable Claims (more specifically biodegradable claims)

#### **Compostable Claims:**

3M currently makes claims regarding compostability for certain of its products and has done extensive work over the years to substantiate this claim in the laboratory setting using compost from municipal/industrial compost sites.

The language proposed for compostable claims states that a marketer should "have competent and reliable scientific evidence that all the materials in the item will break down into, or otherwise become part of, usable compost (e.g., soil-conditioning material, mulch) in a safe and timely manner (i.e., in approximately the same time as the materials with which it is composted) in an appropriate composting program or facility or in a home compost pile or device."

While this language is consistent with the current Green Guides, the preamble to the Proposed, Revised Guides includes further information that is confusing. The preamble section describing "Substantiating Compostable Claims" contains an analysis from the FTC of comments received dealing with two laboratory protocols adopted by ASTM (ASTM D 6400 and D6868). FTC provides its analysis of the reasons it is not proposing to reference those protocols in the Guides, but also goes on to make the statement ". . . it does not appear that the ASTM protocols substantiate compostable claims."

This is a disturbing statement as 3M has viewed the ASTM protocols, and believes that many other companies or organizations have also viewed these protocols, as the accepted test methodologies to use in demonstrating the compostability of a material. 3M is not aware of any other accepted protocols. To the extent the FTC is suggesting that these protocols should not be used, 3M requests that the agency provide further clarification on what information can be relied upon to demonstrate “competent and reliable scientific evidence” supporting its claims. Absent such clarification, industry is left with no guidance as to the substantiation the agency will require in the future, potentially dissuading companies from making such claims and encouraging the further expansion and availability of composting facilities.

**Biodegradable Claims:**

3M requests further clarification from the agency on the preamble language contained in the Degradable Claims section dealing with “Liquid Waste.” While the language indicates that the Commission lacks sufficient information to give guidance on the period of time for degradability claims for liquids, in footnote 204, it further states, “Although one group of testing protocols [OPPTS protocols] for biodegradability in water emphasizes a 28-day period for ‘ready biodegradability,’ these tests do not appear to ensure the complete decomposition of the substance.” 3M proposes that EPA consider expanding on this footnote discussion of the OPPTS protocols to indicate that if appropriate protocols are used to demonstrate 60% (or 70%, depending on the applied test method) decomposition of the parent compound in 28 days and if an evaluation/modeling of the degradation pathways ensures that no byproducts resistant to degradation are formed, that the claim of “readily biodegradable” should be allowed. This is the substantiation requirement for sale of detergent products in the EU. See Page 18 at attached link:

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CONSLEG:2004R0648:20090627:en:PDF>

Additionally, there are other tests with specific criteria cited in that regulation that should be considered by the FTC.

Please let me know (651-733-9886) if you have any questions or comments regarding these comments.

Sincerely,

Stefanie Giese-Bogdan, Dr.rer.nat.  
Technical Manager, 3M Environmental Laboratory  
Chairperson  
3M Environmental Marketing Claims Committee  
3M Company