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December 10, 2010

Federal Trade Commission
Mr. Donald S. Clark, Secretary
Office of the Secretary, Room H-135 (annex J)
600 Pennsylvania Avenue, NW
Washington, DC 20580

Re: Proposed Revisions to the Guides for the Use of Environmental Marketing Claims

The National Solid Wastes Management Association (NSWMA) is the trade association representing private sector waste services companies. Our members collect municipal solid waste; own and operate waste transfer stations and landfills; collect and process recyclables; and collect and compost organic waste in cities and counties throughout the United States. Our industry plays an essential part in protecting America's public health and environment.

NSWMA recognizes the challenges facing the Federal Trade Commission as it exercises its responsibility to protect consumers from deceptive advertising and the particular challenges in protecting consumers from misleading environmental claims. We agree with Chairman Leibowitz's cautionary comments concerning the rise in "green marketing" and the reality that what companies think "green" means and what consumers understand can be two different things.

While we agree that marketers should specify the source of renewable energy when making renewable energy claims, the FTC's proposed policy on renewable energy claims (sec. 260.14) will prevent the consumer and the general public from receiving accurate information about one particular aspect of renewable energy, the energy created when landfill gas is converted into an energy product. Our concern is based on the discussion of Renewable Energy Certificates (RECs) as they apply to claims about the production and use of renewable energy.

Specifically, RECs are an essential component of renewable energy laws, in effect in a majority of states, which require electricity generators to supply a minimum percentage of electricity from named and qualified renewable energy sources. These laws vary in their requirements. The FTC proposes that a facility not advertise that it hosts a renewable power facility if RECs were involved in the selling of that energy. Instead, the FTC should allow those facilities to describe themselves as EPA would

describe them, as renewable energy producers. Consumers will not be deceived by this simple statement of fact. Moreover, it is important, and only fair, that these firms receive recognition for their role in reducing greenhouse gases and exercising social responsibility.

According to the Environmental Protection Agency's Landfill Methane Outreach Program, as of October, 2010, 526 landfill gas-to-energy projects delivered 311 million standard cubic meters per day (mmscfd) of landfill gas and 1,628 megawatts of electricity to corporate and government users, enough renewable energy to power nearly 1.7 million homes. Our industry is proud of its work in creating a renewable energy out of a waste product. This truly is a successful green story that should be told to the public.

If you have any questions about our comments, please feel free to contact me at 202-364-3710 or bparker@envasns.org.

Sincerely,

Bruce J. Parker
President and CEO
National Solid Wastes Management Association