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Committee D20 on PLASTICS

December 10, 2010

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

To Whom It May Concern:

ASTM International is a leading non-profit organization devoted to the development of voluntary consensus standards that are utilized by ninety industrial sectors in the United States and in most geographic regions of the world. For more than 100 years, ASTM has served society as a leading venue for consumers, industry and regulators to work together in the development of voluntary consensus standards that promote health, safety, the environment, and that improve the overall quality of life. ASTM is accredited by the American National Standards Institute and meets World Trade Organization principles for the development of international standards.

ASTM has a long history of working in partnership with Federal agencies to develop standards that meet evolving regulatory and procurement needs. According to the National Institute of Standards and Technology (NIST) Standards Incorporated by Reference Database, there are over 2,500 standards from ASTM International incorporated by reference in the US Code of Federal Regulations. An additional 500 ASTM standards have been identified by NIST as federal procurement standards incorporated by reference in various Federal policies. Accordingly, ASTM International is the single most Federally-referenced standards developing organization in the US.

ASTM International Committee D20 on Plastics, which is comprised of over 900 experts worldwide and maintains over 400 standards, is pleased to submit the following comments in response to your October 15, 2010 *Federal Register* notice regarding the proposed revision to the Green Guides, 16 CFR Part 260.

Part VI., Section C. Renewable Materials

Committee D20 and its Subcommittee D20.96 on Environmentally Degradable Plastics and Biobased Products developed and approved D6400 Standard Specification for Compostable Plastics and D6868 Standard Specification for Biodegradable Plastics Used as Coatings on Paper and Other Compostable Substrates. These standards are used extensively around the world to ensure the biodegradability and compostability of plastics. ASTM would encourage the FTC to utilize voluntary consensus standards, such as D6400 and D6868, to achieve their regulatory objectives as outlined in the Guides for the Use of Environmental Marketing Claims.

Part V., Section E., 3., c. Use of the SPI Code

Committee D20 and its Subcommittee D20.95 on Recycled Plastics developed and approved standard D7611-10 Standard Practice for Coding Plastic Manufactured Articles for Resin Identification. This ASTM document

supersedes the SPI code developed by the Society of Plastics Industry (SPI) and is the result of ASTM's voluntary consensus process for developing standards. In the future, it would be appropriate to reference ASTM Standard D7611 rather than the SPI Code. Some of the concerns raised by the FTC regarding the former SPI Code have been addressed in the process of producing Standard D7611. Within the scope of this document, it is clearly stated that the Resin Codes are not "recycle codes" and further clarification is included in Section 4. Requirements:

4.1 The Code is to be molded, formed or imprinted on the manufactured article.

4.2 The Code shall be clear and legible.

4.3 The size of the Code shall normally equal or exceed 12 mm (1/2 in.) in height and width.

NOTE 2—For small parts or components, it is not always possible to conform to these size requirements. In these cases, it is important to maximize the size and legibility of the Code.

4.4 The Code shall be placed in an inconspicuous location on the manufactured article, such as the bottom or the back, where it will not be obvious to the consumer at the point of purchase so it does not influence the consumer's buying decision.

As outlined in the National Technology Transfer and Advancement Act (NTTAA) (Public Law 104-113) which provides guidance to government agencies on how to participate in the voluntary standards development process, ASTM encourages FTC's involvement in future activities regarding Committee D20 on Plastics.

ASTM International welcomes the opportunity to transmit these comments. If additional information or a copy of the above mentioned standards are needed for review please contact Brynn Murphy, ASTM Staff Manager Committee D20, at 610-832-9640 for any additional information.

Sincerely,

James A. Thomas
President, ASTM International