



# Californians Against Waste

Conserving Resources. Preventing Pollution. Protecting the Environment.

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)**

Californians Against Waste appreciates the opportunity to comment on the proposed revisions to the Green Guides and commends the Commission staff on undertaking this process. Founded in 1977, Californians Against Waste is a statewide, membership-based environmental organization, representing over 5000 active members, with extensive experience in pioneering California's Truth in Environmental Advertising policies. Based on this experience we have compiled the following comments and concerns on specific provisions of the proposed revisions.

### Overlap with Other Federal, State, or Local Laws

- We are concerned with the analysis on page 28 of the document that says “a company may follow the Green Guides’ provisions on biodegradability and compostability and still comply with California’s specific requirements that plastic bags and containers labeled as “biodegradable” and “compostable” meet ASTM standards.” Pursuant to Chapters 5.7 and 5.8 of California’s Public Resource Code, no plastic bag or container may be labeled “biodegradable,” regardless of whether any ASTM standard exists for that term. It is important for this to be clarified in order to avoid confusion.

### Degradable

- We agree that unqualified degradable claims are deceptive for products that are destined for landfills, incinerators, and recycling facilities at end-of-life.
- A one-year assumption for degradation should be the upper bound for products that are customarily disposed of in an environment that promotes rapid decomposition, but a stricter standard should apply to products that are expected to degrade more quickly, such as the “degradable potted plant” example.
- We agree that there are no accurate test methods to substantiate claims of degradability in common disposal environments.
- We also support the Commission recommendation to treat “oxo-degradable” (or any term that implies degradation) claims like all other degradable claims.

### Compostable

- There is compelling evidence to indicate that it would be appropriate to include the ASTM D 6400 and D 6868 standards for substantiation of “compostable” claims because it would provide a clear message that products that do not comply with these standards are clearly not compostable. However, these standards

should be adopted as a secondary tier of substantiation along with the existing requirement that products labeled compostable must actually compost at the facility where they would be sent. This would keep the existing consumer protections in the green guide while clearly identifying that products that can not even meet the ASTM requirements are not compostable. There is currently a gap between the ASTM standard and industry practice for certain products, and until such time as ASTM standards are brought in line with industry standard it is crucial for product labels to clearly describe under what conditions the product will degrade. Furthermore, if the ASTM standards are adopted, it should be made clear that future revisions to the standards would also automatically be adopted since the standards are in the process of being revised.

#### Recyclable

- We support the Commission's decision not to reduce the substantial majority threshold for unqualified recyclable claims. A reduction of this threshold would lead to consumer confusion and would not be warranted.
- We also support the decision to quantify the "substantial majority" threshold and agree that 60% is a reasonable threshold.

#### Recycled Content

- We agree with the Commission's decision not to allow alternative "recycled content" calculation methodologies that would deceptively allow manufacturers to claim that a product contains recycled content when it, in fact, does not contain any recycled content.

We look forward to working with Commission staff on refining the Green Guides, and we would be glad to provide any additional information to regarding the issues raised in this letter.

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