



**SF Environment**

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MEMO

Date: December 10, 2010

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

FROM: Jack Macy  
Commercial Zero Waste Coordinator

RE: Comments on FTC Proposed Revised Green Guides

The City and County of San Francisco Department of the Environment submits the following comments regarding the guidance found in the proposed revisions of Proposed Green Guides.

We greatly appreciate the efforts of the FTC to strengthen the requirements of green labeling by requiring competent and reliable scientific evidence and especially the use of third party certifications as substantiation.

San Francisco has developed nationwide leading recycling and composting programs and has had to evaluate for many years the green claims of an increasing numbers of products and manufacturers regarding the compostability or recyclability of those products and the potential confusion that their labeling creates for consumers. One of the biggest areas of confusion has been for plastic or bioplastic products labeled biodegradable, degradable and/or compostable. It has been San Francisco's experience that for these products only those that meet the ASTM D6400 Standard Specification of Compostability can adequately break down and disintegrate in a commercial composting process resulting in a plant safe compost. We and composters who have taken our food scraps and related food service packaging have found that degradable claims cannot be substantiated or trusted if they don't demonstrate meeting this ASTM D6400 standard and that being third-party certified is the best and really only reliable way to ensure that a product has met that standard. There is only one organization that provides a robust independent third party certification for compostability in the U.S. and that is the Biodegradable Product Institute (BPI), which is similar to comparable international third-party certification for comparable standards for compostability .

The Guides analysis on page 63558 that California requirements allow bags and containers to be labeled as "biodegradable" is incorrect as that is not what state law allows. California state law (Chapters 5.7 and 5.8 of California's Public Resource Code) now prohibits any plastic bag, cup or food container from being labeled "degradable" or "biodegradable", and these products can be only be labeled "compostable" if they have met the ASTM D6400 standard specification. This requirement is based on the reality that there is no adequate standard for those terms. California also requires plastic bags to carry a third-party certification logo, such as that by BPI, that they meet the ASTM D6400 standard if they are labeled "compostable".

We have found that the unsubstantiated claims for terms like “biodegradable” or “degradable” to be very deceptive whether they are to be composted, recycled, landfilled or incinerated. We would like to see the Guides not allow the use of “biodegradable” or “degradable” as there is no standard for them. If these latter claims are to be allowed it should only be for a specified degradation time limit, up to a year, in the specified conditions or environment and should be based on a standard or test methodology that demonstrates these products do breakdown in that stated period of time in that stated environment.

We encourage the Guides to follow the example of CA law in requiring both the ASTM D6400 standard for compostable plastic and ASTM D6868 for compostable plastic coated paper in a large scale or commercial composting facility. These standards or comparable international standards have been used by composters worldwide for many years. As there is a wide variety of composting technologies and approaches it does not seem practical to have a scientific standard that requires in field composting as opposed to the laboratory testing of ASTM standards. To address specific unique approaches, some composters use require products meeting the ASTM D6400 standard as a step 1 requirement then also add additional testing of running products through their particular composting process before they are deemed fully acceptable.

We agree that the Guides should not discourage the use of pre and post-consumer recycled content as there is an important environmental difference between those types of recycled content. We also agree that the Guides should not to allow alternative “recycled content” calculation approaches that could allow product producers to make a deceptive claim about product having recycled content when in reality a given product may not contain any recycled content or much less than advertised.

Thank you for the opportunity to provide comments to the impressive Green Guides you have developed.