



SUSTAINABLE TECHNOLOGY & POLICY PROGRAM
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Donald S. Clark
Secretary of the Commission
Federal Trade Commission
600 Pennsylvania Ave., NW
Washington, DC 20580

August 30, 2011

RE: Professional Wet Clean Instruction, Care Labeling Rule

Dear Commissioner Clark:

The purpose of this letter is to voice our support for the development of a 'Professional Wet Clean' care label. At a minimum, a 'Professional Wet Clean' label should be required where there is a reasonable basis for the label and where the manufacture believes that the item needs professional cleaning or recommends professional cleaning.

In 2000, the last time the Federal Trade Commission proposed amendments to the Care Labeling Rule, the FTC considered developing a 'Professional Wet Clean' care label. Support for this new label came from the United States Environmental Protection Agency which characterized professional wet cleaning as a viable pollution prevention alternative to traditional dry cleaning. The vast majority of dry cleaners in the United States operate machines with perchloroethylene (PCE), a chemical listed in the Clean Air Act as a hazardous air pollutant.

While the FTC favored creating the professional wet cleaning instruction, the Commission deferred moving forward until both a standardized definition of professional wet cleaning had been developed and until a standardized methodology for testing was established. At the time, the American Society for Testing and Materials (ASTM) and the American Association of Textile Chemists and Colorists (AATCC) agreed to work together to develop a definition and test procedure. While there were several initial meetings, little work was done.

Fortunately, the International Standardization Organization (ISO) has proceeded in finalizing a professional wet clean care label instruction. In so doing, ISO finalized a definition of professional wet cleaning, developed standardized test procedures for professional wet

cleaning, and developed a symbol system corresponding to the test procedures.¹ The ISO development allows the FTC to quickly take up now where it left off in 2000. Given the lack of movement by ASTM and AATCC on this issue, we recommend the FTC simply adopt the ISO standard.

As the FTC moves forward with developing the professional wet clean instruction, the Commission must also decide whether to allow or require this instruction where appropriate; an issue discussed during the last round of rulemaking. Here again the experience with ISO serves as a good guide. While the ISO professional wet clean instruction has been adopted by many countries, no country has required testing and use for items that require professional cleaning or where professional cleaning is recommended. As a voluntary option, adoption of the ISO 'Professional Wet Clean' care label has been very slow.

In addition, the experience in California may also assist the Commission on this question. In California alone, over two-hundred PCE dry cleaners have switched to professional wet cleaning and have been able to successfully process the full range of garments they previously dry cleaned.² This suggests that the vast majority of garments currently labeled 'Dry Clean' or 'Dry Clean Only' could be labeled with a wet cleaning instruction. If the Commission moves forward with an optional approach and most manufacturers choose not to use it, this would be deceptive to customers by not providing information that professional wet cleaning is a viable option, unfair to professional wet cleaners by misinforming existing and potentially new customers, and unfair to professional wet cleaners by not providing them proper care instruction.

Finally, during the last round of deliberation, the Commission raised the issue of the prevalence of professional wet cleaning in evaluating how widely the label would be used. While professional wet cleaning has grown significantly since 2000, it is quite clear that the existing care label rule creates a substantial barrier to the diffusion of professional wet cleaning. Commenting on this issue in 2000, *American Drycleaner*, a leading trade journal, wrote:

"If the Federal Trade Commission (FTC) offers a 'Professionally Wet Clean' care label as an option for garment manufacturers, the pace of adoption will accelerate somewhat. If the FTC makes the instruction mandatory, then wet cleaning may indeed be the wave of the future."³

Overall, the benefits of requiring the use of a professional wet clean care label are substantial:

- Consumers, who are currently deceived by the existing care label rule, will be provided accurate information about care options.
- Professional wet cleaners will benefit because a requirement will correct the current care label rule which is unfair to them with respect to retaining and

¹ ISO 3175-4:2003(E). (2003) *Procedure for testing performance when cleaning and finishing using simulated wetcleaning*. ISO 3758:2005(E). (2005) *Textiles -- Care labelling code using symbols*.

² Sinsheimer P, Grout C, et al. (2007) The Viability of Professional Wet Cleaning as a Pollution Prevention Alternative to Perchloroethylene Dry Cleaning. *Journal of the Air & Waste Management Association* 57:172-178.

³ *American Drycleaner* (1999). *Care Label Rule*. 9, 70.

growing their customer base and unfair with respect to providing no instruction on processing garments.

- One societal benefit will be to increase the diffusion of an environmentally benign technology (professional wet cleaning) by reducing the use of a hazardous technology (PCE dry cleaning).
- Another societal benefit will be to increase the overall energy-efficiency of the sector given that the energy-demand for professional wet cleaning is substantially lower than traditional dry cleaning.⁴

The economic costs associated with requiring a professional wet cleaning care label are likely to be extremely small. This is due to a number of factors:

- The care label rule requires manufacturers to develop a 'reasonable basis' for determining each care label. The FTC provides two options for determining a reasonable basis – testing or expertise and experience. The vast majority of garment manufacturers use experience and expertise as a reasonable basis for determining the care label they place on their garments. Since experience and expertise is already free, or virtually free, to manufacturers, the economic impact of a new care label rule requiring a professional wet clean label is likely to be de minimis.
- Expertise in professional wet cleaning has been generated in the United States since 2000 through the experience of several hundred cleaners having successfully switched from PCE dry cleaning to professional wet cleaning.
- Professional wet cleaners have shown their willingness to share their knowledge by serving as demonstration sites, educating fellow cleaners on the technical viability of professional wet cleaning.⁵ Given that a professional wet cleaning care label would be in the interest of professional wet cleaners, it is reasonable to expect that professional wet cleaners would be happy to partner with garment manufacturers to assist them in determining the appropriateness of a professional wet cleaning care label.
- While the cost of testing is likely to be substantially higher than using expertise and experience, the overall economic impact of testing is also likely to be de minimis. Most manufacturers who test, send their garments to established cleaners and use in-house staff to evaluate results. This method of testing requires no capital equipment cost and only a marginal cost to an established cleaner. Since there are now hundreds of professional wet cleaners with expertise and

⁴ Sinsheimer P (2008) Comparison of Electricity and Natural Gas Use of Five Garment Care Technologies. Southern California Edison Design & Engineering Services. A number of energy utilities provide incentives to cleaners switching from PCE dry cleaning to professional wet cleaning including Los Angeles Department of Water & Power and the Sacramento Municipal Utility District.

⁵ Sinsheimer P, Grout C, et al. (2007) The Viability of Professional Wet Cleaning as a Pollution Prevention Alternative to Perchloroethylene Dry Cleaning *Journal of the Air & Waste Management Association* 57:172–178.

experience in processing the full range of garments currently labeled 'Dry Clean' or 'Dry Clean Only', these cleaners can be used as venues for an efficient and effective testing if and when needed.

Finally, the regulatory impact of a rule requiring the use of a professional wet cleaning care label, in the long run, is likely to be comparable to the existing rule. Given that ISO has already created a definition, standardized test procedures, and a care label symbol system, there should be no cost in simply adopting this standard. With respect to implementing a rule requiring the use of a professional wet clean label, the FTC would have to assure that the new requirements were being followed efficiently and effectively. That said, there are many stakeholders who have an interest in assuring the smooth implementation of this rule change, including professional wet cleaners, professional wet cleaning equipment and detergent manufactures, energy utilities, environmental regulatory, and consumers. In addition, because professional wet cleaning represents a pollution prevention alternative, garment manufacturers are likely to be eager to determine whether their garments can be professionally wet cleaned and eager to use a 'professional wet clean' label where feasible. Such motivation will likely further reduce the regulatory impact.

Taken as a whole, the benefits of requiring a professional wet clean care label are substantial and the costs and regulatory impacts are likely to be marginal. Therefore, there is no doubt that the FTC should proceed with rulemaking requiring the use of a professional wet cleaning care label.

We look forward to working with the FTC on developing the new instruction.

Sincerely,

Peter Sinsheimer, Ph.D., MPH
Executive Director