



September 2011

Federal Trade Commission
Office of the Secretary
Room H-113 (Annex A)
600 Pennsylvania Avenue NW
Washington, DC 20580

Re: FTC request for public comment in advance of rulemaking on Care Labeling of Textile Wearing Apparel and Certain Piece Goods As Amended (16 CFR Part 423), Project No. (16 CFR Part 423, Project No. R511915)

We are pleased to respond to your request for comment regarding proposals to amend the Trade Regulation Rule on Care Labeling of Textile Wearing Apparel and Certain Piece Goods. We applaud the timing of the Commission's review of the care labeling rule. Textiles and cleaning processes have evolved greatly over the past decade, rendering the current Rule less effective in its ability to serve the purpose.

In preparing our response, we are guided by the fundamental belief that consumers would be best protected by professional textile cleaning care labeling keyed to the characteristics of cleaning solvents rather than the specific type of solvent. Specifically we propose that a "gentle" classification be introduced for products at risk of substantial harm when cleaned with aggressive solvents, and that Kauri-Butanol Value (KBV) be utilized as a clear, verifiable and objective metric of aggressiveness across all solvents. This proposed change will enable the Rule to remain relevant as textiles and professional cleaning processes continue to evolve.

Our specific recommendations, organized by the specific alphanumeric questions outlined in Federal Register Volume 76, Number 134 regarding proposed rules for 16 CFR Part 423, are below. Our comments are limited to the professional textile care aspects of the current Rule.

(1) Is there a continuing need for the Rule as currently promulgated? Why or why not?

Yes. Appropriate care, i.e. selecting the proper cleaning method to return a garment to wearable condition, whether it is laundered at home or professionally cleaned, is a complex equation that consumers cannot be expected to understand. Effectively cleaning and removing stains from a garment without damage is a function of how the fabric(s), ornamentation, dyes and construction methods interact on a molecular level with four variables: solvent characteristics, detergent, heat and mechanical action. The need to reduce this complex equation into its lowest common denominators and express them in a few simple words or symbols in the small space of a care tag poses enough risk, particularly in light of constantly changing array of textile and cleaning choices. Not having care labeling at all poses undue burden and risk on the consumer. Care labels protect the consumer by holding manufacturers accountable for proper care instructions to optimize consumer protection through the longer life of their garments.

(2) What benefits has the Rule provided to, or what significant costs has the Rule imposed on, consumers? Provide any evidence supporting your position.

The Rule provides two primary benefits. First, labels that specify whether or not a garment needs to be professionally cleaned perform a critical role in informing the consumer's purchase decision. Recent research by Mintel, a market intelligence company, shows that 'dry clean labels' are a deterring factor when women are making purchase choices. Seventy-five percent will put an item back that they were initially interested in, if a 'dry clean only' tag is spotted. More than half, 59%, also are turned off by items that have to be hand washed separately. Clearly, the label serves a useful purpose in providing accurate information about the long-term cost of providing proper care for a garment being considered for purchase, particularly for people who cannot afford this cost. Conversely, the cost to purchase a well made garment can be very expensive: for these consumers, labels help to protect the investment they choose to make in their garment.

Second, once the decision to purchase a garment has been made, the consumer's investment is at risk without labeling that guides consumers, manufacturers and dry cleaners consistently. As new textiles, construction methods and cleaning processes emerge this becomes increasingly important.

(3) What modifications, if any, should the Commission make to the Rule to increase its benefits or reduce its costs to consumers?

We recommend changes to both the overarching nomenclature and the guiding principal behind the recommendations to improve the reliability and understandability of care labels.

1. Rather than "Dry clean", "Do not dry clean", "Wetclean", and "Do not wetclean", we propose the categories be simplified to "Cleaning method" and "Cycle". Although this may sound heretical to veteran operators in the dry cleaning industry, "Cleaning method" would encompass all types of professional textile cleaning, including professional wetcleaning. Historically, it was necessary to distinguish aqueous cleaning from non-aqueous cleaning because most traditional dry clean garments could not be wetcleaned without harm. Continuing advancements in wetcleaning technology make this distinction irrelevant today. "Cycle" would continue to guide dry cleaners regarding the level of mechanical action, but we propose that the Rule should recognize its role as a distinct but related variable and predictor of harm, thus providing more complete instructions about regular care for the garment.

2. We further propose the "Cleaning method" be classified not according to solvent type but according to solvent aggressiveness, as measured by KBV. Specifically we propose that any solvent with a KBV of 35 or under should be designated as "Gentle" and any solvent with a KBV over 35 should fall under an all purpose "Any professional cleaning method" type designation. The inclusion of professional wetcleaning in this construct, because it uses water as a solvent and water is extremely gentle with a zero KBV rating, is logical, appropriate and less confusing to both the consumer and the dry cleaner. The net effect of this proposal is that rather than the existing circle P, circle F, circle W, circle X and black circle X symbols, the categories would be reduced to two: an empty circle and a circle G for gentle (or any other symbol deemed appropriate by the FTC). The introduction of a "Gentle" cleaning method classification renders the "Do not dry clean" and "Do not wetclean" classifications unnecessary. Any garment that cannot be cleaned by "Gentle" methods (i.e. water or gentle solvents) without harm would in fact be an unserviceable item.

Bars currently used to identify mechanical action should continue to be used to provide clear instructions to prevent harm with whatever method has been recommended. However, we propose that the language identifying the circle, circle with a line and circle with two lines be modified from “Normal”, “Mild” and “Very mild” be changed to “Normal”, “Fragile” and “Very fragile”. “Fragile” is the term most commonly understood in the textile care industry to indicate the need for minimized mechanical action. Typically “Fragile” describes garments with at-risk ornamentation or construction that require adjustments to mechanical action to reduce interaction with other garments in the wheel.

To illustrate, for reference, here is the current FTC Symbol Chart:

 Professional Textile Care	Dryclean		Do not dryclean	Wetclean			Do not wetclean
	normal cycle	mild cycle		normal	mild	very mild	
	 <small>tetrachloroethylene or petroleum solvent</small>	 <small>petroleum solvent only</small>					

Under the proposed modifications, FTC Symbol Chart might look like this:

 Professional Textile Care	Cleaning Methods		Cycle		
	 Any Cleaning Method	 Gentle Clean or Professionally Wetclean (KBV < 35)			

(a) Provide any evidence supporting your proposed modifications.

Our rationale for this proposed change is that:

a. It is almost impossible for the current ASTM or ISO symbols and Rule to address all alternative solvents in the marketplace over time. The current circle F refers to fluorocarbons (commonly known as Valclen), which have a low KBV and are thus very gentle on textiles. This solvent was mandated out of service in 1989 much like Perc is being mandated out of service in California currently. A recent study conducted by the Dutch Technical Center for textile care (TKT) identified the following solvents as being currently in use: *Perchloroethylene (Perc)*, *HCS (hydrocarbon)*, *siloxane D5 (GreenEarth)*, *liquid CO2*, *dibutoxymethane (SolvonK4)*, *glycol ether (Rynex)*, *N-propyl Bromide (Dry Solv)*, *Fabrisolv*, and *professional wetcleaning*. A care label system based on being solvent specific cannot hope to guide proper garment care labeling with this many solvents in use. Keying the recommendations to solvent characteristics would ensure that the label is always current regardless of how usage of solvents changes.

b. Of all the characteristics of solvents, the Kauri-Butanol Value (KBV) is widely recognized in the textile care industry as having the greatest influence on the processing of textiles. A higher KBV results in a more aggressive solvent and is the most commonly accepted indicator of the potential for dye migration and the loss of plasticizers, two of the most frequent types of conditions that result in textiles disputes and claims. Incorporation of KBV into care labeling standards would ensure that care label instructions, if followed, would cause no substantial harm to the product. We respectfully recommend a KBV threshold of <35 to identify “Gentle”

cleaning methods because all available evidence to date would suggest this to be an appropriate “dividing line” beyond which solvent aggressiveness has a demonstrated propensity to cause harm to a small subset of garments, notably those with specialty fabrics and ornamentation (e.g. beads, sequins, and adhesives can be at risk of damage at KBV levels higher than 35). We do not presume to confer on ourselves the title of final arbiter on the precise KBV metric selected, rather, we are advocating for the need to put a clear and verifiable metric in place to prevent potential harm.

c. The separation of professional wetcleaning into its own classification is an unnecessary and confusing distinction. Professional wetcleaning is an extremely gentle method of cleaning using water as its solvent; it has a zero KBV rating. It exists as an alternative to chemical solvents, but a “wet” versus “dry” cleaning distinction is irrelevant to the consumer and limiting to the dry cleaner. A dry cleaner that does not have the professional wetcleaning equipment to properly clean and finish a garment could substitute a low KBV solvent, or vice versa. If a garment has specialty fabrics and/or ornamentation that would be harmed by aggressive cleaning methods, professional wetcleaning, silicone, CO₂ and hydrocarbon are all gentle cleaning methods that are currently available.

d. The term organic as has been used in the past to differentiate solvents from wet processes does not apply to some of today’s emerging solvents. Organic refers to a chemical that has carbon molecules in its molecular structure; this no longer applies to all emerging solvents. Also, the public’s interpretation of organic is very different than the chemical definition, giving rise to the widespread practice of “green washing” which is clearly not in the consumer’s best interest.

e. Solvent manufacturers and industry Trade Associations are available to provide specific data to dry cleaners regarding the aggressiveness of their solvent choice. This eliminates any “gray area” regarding the KBV of a particular solvent option.

f. Incorporation of a “Gentle” standard would make a significant difference in the ability of a manufacturer to provide reasonable basis, and diminish some of the requirements for extensive testing. When a garment contains several components, manufacturers would now have a standard built on reliable and objective evidence (KBV) that a process would potentially harm the garment when cleaned as directed. Too often dry cleaners and manufacturers are on opposing teams, predisposed to viewing the other as the party deserving of blame in damage claims. This approach would allow manufacturers and professional textile cleaners to work together on behalf of the consumer. It is understood by industry professionals that there is a direct correlation between the propensity for garment damage and higher solvent KBV. This relationship is widely documented and has been repeatedly published in a significant number of Trade Association communications to the dry cleaning industry.

(b) How would these modifications affect the costs and benefits of the Rule for consumers?

There would be no cost to the consumer for these modifications. The benefits include greater protection from garment care labeling that is more specifically geared to prevent damage, improved simplicity and understanding, and a Rule that will remain relevant as new textiles and cleaning methods emerge.

(c) How would these modifications affect the costs and benefits of the Rule for businesses, particularly small businesses?

This modification would lower costs for businesses because the “Gentle” or “Fragile” classification of cleaning methods would measurably decrease claims. When dry cleaners switch from aggressive solvents to hydrocarbons or silicone, for example, reports of claims associated with cleaning typically decrease by 50% to 60%. These reports are corroborated by Industry Trade Association warning bulletins identifying garment damage attributable to solvent aggressiveness.

(4) What impact has the Rule had on the flow of truthful information to consumers and on the flow of deceptive information to consumers? Provide any evidence supporting your position.

We refer the FTC to, and endorse the comments suggested by, the DLI and NCA joint comment submission. Their answer to this question reflects our view as well.

(5) What benefits, if any, has the Rule provided to, or what significant costs, including costs of compliance, has the Rule imposed on businesses, particularly small businesses? Provide any evidence supporting your position.

We refer the FTC to, and endorse the comments suggested by, the DLI and NCA joint comment submission. Their answer to this question reflects our view as well.

(6) What modifications, if any, should be made to the Rule to increase its benefits or reduce its costs to businesses, particularly small businesses?

Please refer to our response to Questions 2 and 3.

(a) Provide any evidence supporting your proposed modifications.

Please refer to our response to Question 3.a.

(b) How would these modifications affect the costs and benefits of the Rule for consumers?

Please refer to our response to Question 3.b.

(c) How would these modifications affect the costs and benefits of the Rule for businesses, particularly small businesses?

Please refer to our response to Question 3.c.

(7) Provide any evidence concerning the degree of industry compliance with the Rule. Does this evidence indicate that the Rule should be modified? If so, why and how? If not, why not?

We refer the FTC to, and endorse the comments suggested by, the DLI and NCA joint comment submission. Their answer to this Question reflects our view as well.

(8) Provide any evidence concerning whether any of the Rule's provisions are no longer necessary. Explain why these provisions are unnecessary.

Please refer to the suggestions made under question 3 where a new chart is proposed. Within Designation D5489-07 the following changes may be considered:

ASTM Guide To Care Symbols. Modify the care symbols in the ASTM Guide to the proposed FTC symbol provided in our answer to Question 3 which will simplify both dry cleaning and professional wet cleaning symbols. Avoid using solvent specific letters and base the symbols on the characteristics of all solvents.

Section 5.8.1. Modify the Section to include the proposed FTC symbols provided in our answer to Question 3 with a letter to indicate when a solvent is "Gentle", i.e. with a KBV less than 35.

Section 5.8.2. Modify the Section to reflect the KBV of the solvents. The characteristics of distillation and flash point have no influence on cleaning performance. Also, the drying temperatures should be stated as 140 F (60 C) to 160 F (71 C).

(9) What potentially unfair or deceptive practices concerning care labeling, not covered by the Rule, are occurring in the marketplace?

We refer the FTC to, and endorse the comments suggested by, the DLI and NCA joint comment submission. Their answer to this question reflects our view as well.

(c) With reference to such practices, should the Rule be modified? If so, why and how? If not, why not?

Yes. Now that there are several options in widespread use, the "Gentle" classification proposed in answer to Question 3 in this document would solve the problem while also improving the "reasonable basis" to justify the recommendation.

(10) What modifications, if any, should be made to the Rule to account for current or impending changes in technology or economic conditions?

Modifying the Rule to reflect a care labeling system that is based on the characteristics of cleaning solvents, rather than specific solvents, will allow the Rule to continue to provide needed guidance to care labeling without falling prey to changes or events in technology.

(a) Provide any evidence supporting the proposed modifications.

Please refer to our response to Question 3.a.

(b) How would these modifications affect the costs and benefits of the Rule for consumers and businesses, particularly small businesses?

Please refer to our response to Question 2.a. It also simplifies the decision process for the consumer, the garment manufacturer and the dry cleaner.

(11) Does the Rule overlap or conflict with other federal, state, or local laws or regulations? If so, how?

Yes. The FTC Rule referencing fluorocarbon conflicts with the 1989 elimination of fluorocarbon.

(a) Provide any evidence supporting your position.

Currently perc, which is the most referenced solvent in the Rule, is being phased out of use in the state of California and is under review by other regulatory agencies.

(b) With reference to the asserted conflicts, should the Rule be modified? If so, why and how? If not, why not?

Please refer to complete answer to Question 3, including all sub points.

(c) Provide any evidence concerning whether the Rule has assisted in promoting national consistency with respect to care labeling.

We do not have any examples to support that the current rule promotes consistency in care labeling in today's marketplace.

(12) Are there foreign or international laws, regulations, or standards with respect to care labeling that the Commission should consider as it reviews the Rule? If so, what are they?

Many nations are passing regulatory legislation that result in mandating certain solvents out of use. The ISO standards face the same dilemma with respect to their current construct of recommending specific solvents.

(a) Should the Rule be modified in order to harmonize with these international laws, regulations, or standards? If so, why and how? If not, why not?

The challenges experienced by U.S. consumers, manufacturers and textile processors are being experienced worldwide. Every effort should be made to implement simple consistent international symbols that can be universally interpreted to ensure best care for garments.

(b) How would such harmonization affect the costs and benefits of the Rule for consumers and businesses, particularly small businesses?

Standardization and implementation of a simple symbol system will result in proper decisions being made by those who manufacture garments. This will result in less textile damage and better consumer protection.

(c) Provide any evidence supporting your position.

Please refer ahead to our answer to Question 15.

(13) Should the Commission modify the Rule to address the use of professional wetcleaning? If so, why and how? If not, why not? Provide any evidence supporting your position.

The rule should be inclusive of the professional wetcleaning method. Wetcleaning has developed significantly over the past decade and is now a viable method that allows for the safe processing of garments, especially those textiles that have been soiled with water soluble stains. Under our proposed recommendation - to rely on verbiage and symbols that reflect the characteristics of solvents rather than solvent types - a circle W within the existing symbol convention would not be necessary. Rather, because water has a zero KBV rating, professional

wetcleaning would be categorized under the “Gentle” cleaning process designation. The convention of bars should continue to be used to identify risks, specifically with respect to the need to minimize mechanical action with fragile garments. In point of fact, according to the proposed changes advanced in this comment, a professional cleaner could choose to professional wetclean a garment when the label shows an empty circle symbol if it has a single or double line underneath it, because the necessary gentle mechanical action cannot be achieved any other way given the air drying requirements of regulated solvents.

(14) Should the Commission modify the Rule to address the development of ASTM D5489-07 “Standard Guide for Care Symbols for Care Instructions on Textile Products” or the use of symbols other than those set forth in the ASTM Standard D5489-96c “Guide to Care Symbols for Care Instructions on Consumer Textile Products”? If so, why [[Page 41150]] and how? If not, why not? Provide any evidence supporting your position.

Please refer to our complete answers to Questions 2 and 3, including all sub points.

(15) Should the Commission modify the Rule to address disclosure of care instructions in languages other than English? If so, why and how? If not, why not? Provide any evidence.

If languages other than English are introduced, English should remain the dominant language. The bigger point raised by this question is that there is a clear need for a universal language in care labeling. We believe that symbols represent the clearest means of communication because they are less subjective and less vulnerable to misinterpretation. The benefits of a simple standardized symbol chart will benefit both the consumer and the dry cleaner. Many of the employees who work for a dry cleaner are from different ethnic backgrounds. Thus it is easier to rely on the symbols for guidance as opposed to sometimes confusing care instructions.

Respectfully submitted,

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