

**PAPER**  
**RECYCLING**  
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May 19, 2008

**Submitted Electronically**

Federal Trade Commission  
Office of the Secretary  
Room H-135 (Annex B)  
600 Pennsylvania Avenue, N.W.,  
Washington, D.C. 20580.

Re: Green Packaging Workshop - Comments, Project No. P084200

To Whom It May Concern:

The Paper Recycling Coalition (PRC), a Washington-based coalition of companies that produce 100% recycled paper, is pleased to file the following additional comments in response to the above-referenced Federal Register notice regarding the Federal Trade Commission's (FTC) Green Guides.

As we indicated in our response of February 11, 2008, we support the Green Guides and have found them to be a valuable tool in our day-to-day communications with customers. But the world market is not a stagnant place. And, as the point was made by many of the participants in the April 29<sup>th</sup> Workshop on Green Packaging Claims, in the ten years since the Guides were last reviewed, the state of the marketplace for environmental products has changed dramatically. These changes have included both the demand for environmental packaging information by end-users as well as having led to a proliferation of new and sometimes bizarre 'green' claims.

We strongly reiterate the need for clarification in definitions because today any business subject to the Green Guides, functions in a global market. We urge the FTC to use the internationally recognized standards of the International Standards Organization (ISO) 14020. These standards provide a definition of recycled content which is used around the world and should be adopted by the Federal Trade Commission.

While our paperboard is manufactured from 100% recovered fiber, under the current Green Guides, it can only indicate a 35% "post-consumer" content. However, because of the difference in definitions used by the International Standards Organization (ISO), a foreign competitor using the same paperboard, could indicate as much as 90% post-consumer content because the ISO definition does not exclude recyclable materials reclaimed after the paperboard has been converted into boxes. We believe that neither the terms "pre-consumer" nor "post-consumer" recycled content have any empirical meaning today – since all recoverable fiber that we can possibly collect gets used, it is patently unfair to allow our foreign competitors this advantage in the marketplace.

While we recognize that adoption of international standards is not mandatory, we would like to point out that U. S. law requires government agencies to use voluntary consensus standards where they are available:

Pub. L. 104-113, Sec. 12(d), Mar. 7, 1996, 110 Stat. 783, as amended by Pub. L. 107-107, div. A, title XI, Sec. 1115, Dec. 28, 2001, 115 Stat. 1241, provided that:

(1) In general. - ....., all Federal agencies and departments shall use technical standards that are developed or adopted by voluntary consensus standards bodies, using such technical standards as a means to carry out policy objectives or activities determined by the agencies and departments.

(2) Consultation; participation. - In carrying out paragraph (1) of this subsection, Federal agencies and departments shall consult with voluntary, private sector, consensus standards bodies and shall, when such participation is in the public interest and is compatible with agency and departmental missions, authorities, priorities, and budget resources, participate with such bodies in the development of technical standards.

The ISO 14020 standards were developed and supported by the U.S. Standards setting body, the American National Standards Institute (ANSI), and have been voted into laws and regulations in scores of countries around the world. ISO has developed over 17,000 international standards on a variety of subjects and 1,100 new ISO standards are published every year. We believe that consistent use of the ISO 14021 standard would give clarity to the current confusing morass of environmental marketing claims.

Most of the products we manufacture, like paperboard, are not sold directly to the ultimate end-user, but are sold to consumer products companies, who turn that paperboard into commercial packaging products like cereal boxes. The consumer products companies are under intense pressure in the marketplace today to demonstrate that their product is sold in the most environmentally friendly package available. This pressure exists not merely within the various paper packaging options – but rather in a market defined by competing claims by producers of paper, plastic and glass. Naturally, the consumer products companies would like to claim the highest level of post-consumer content possible to differentiate their products from competitors. They also increasingly tell us that they want to indicate that the package is both made from recycled material and is in turn, recyclable.

As was observed in the Workshop, there are many "new" claims being made in the marketplace that "push the envelope" of acceptable practices that were not envisioned by the original Green Guides. Many of the claims being advanced today are patently deceptive and misleading. Use of terms such as "green", "eco-friendly"; "reduces pollution" "sustainable", and "enviro-friendly" are some of the advertising claims we see every day on packaging. Such claims are burgeoning and when consumers realize these claims are false or misleading, they are likely to become disillusioned and view all environmental claims skeptically. Naturally, this harms the consumer as well as harming the legitimate user of environmental marketing claims.

We urge the FTC to take quick action because consumers need to know that they can rely on accurate, truthful environmental claims in making their purchasing decision.

As the Washington-based governmental relations staff for the PRC we, of course, stand ready to respond to any questions you may have or if you need clarifications as to matters raised here.

Sincerely,

Terese Colling   
Washington Representative

Fran McPoland  
Washington Representative