Comments submitted to FTC on August 14, 2008

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RE: FTC GUIDES FOR THE USE OF ENVIRONMENTAL MARKETING CLAIMS
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Background: Oeko-Tex Standards and Organization.

Oeko-Tex Standard 100:

In the late 1980's, the Austrian Textile Research Institute ÖTI (Österreichische Textil-Forschungsinstitut, www.oeti.at) in Vienna developed a testing scheme for textiles relating to harmful substances, the "ÖTN 100". A similar scheme, "Öko-Check", was developed by the German Textile Research Institute Hohenstein (Forschungsinstitut Hohenstein, www.hohenstein.de).

In 1992, both institutes combined their experiences and published the *Oeko-Tex Standard 100.* This standard for textile human ecology identifies potentially harmful substances and gives limiting values based on regulatory and scientific considerations.

Today, the Oeko-Tex Standard 100 is a globally uniform testing and certification system for textile raw materials, intermediate and end products at all stages of production. Its aim is to ensure textile products are free of harmful substances. The analytical methods used for testing are described in *Oeko-Tex Standard 200.*

Manufacturer whose products meet the textile human ecology requirements are licensed to use the registered mark or label "Tested for Harmful Substances according to Oeko-Tex Standard 100" in marketing and selling their products. Certifications must be renewed annually.

Oeko-Tex Standard 1000:

The first edition of the *Oeko-Tex Standard 1000* was issued in 1995 for environmentally friendly production (textile production ecology). It is a testing, audit and certification system for environmentally friendly production sites.

In addition, there is also a product label *"Oeko-Tex Standard 100 plus"* for companies that have successfully certified their products in accordance with Oeko-Tex Standard 100 and which have

demonstrated that their production sites comply with the requirements in Oeko-Tex Standard 1000.

Current Status of Oeko-Tex Certification:

Today, 14 renowned international textile institutes with representatives in over 40 countries belong to *"Oeko-Tex, the International Association for Research and Testing in the field of Textile Ecology,"* headquartered in Zurich, Switzerland." They provide third-party, independent and world-wide textile product certification. Experts from these institutes meet regularly to exchange their experiences and scientific knowledge and update annually the Oeko-Tex Standard criteria and test methods. Round-robbing tests are regularly carried out to assure precision of test methods among institutes.

Up to 2007, more than 65,000 Oeko-Tex certificates have been issues to textile companies in over 80 countries. Certification is possible at every stage of processing (modular principle) and all authorized, independent Oeko-Tex textile research and testing institutes recognize certificates from the processing stages. Millions of products were marked with the Oeko-Tex label.

The slogan "Confidence in Textiles" has become a synonym worldwide for *responsible textile production, safety and transparency* for today's international textile, apparel and retail chain. Recent independent surveys in Germany verify that the Oeko-Tex label is the most used and recognized textile label by retailers and consumers.

Comprehensive and up-dated information can be found on the website www.oeko-tex.com.

QUESTIONS FOR WHICH COMMENTS ARE REQUESTED:

A. Green Textile Claims

(1) How effective have the Guides' provisions regarding general environmental claims been in preventing consumer deception and providing business guidance with respect to environmental claims for textile products? Please provide any evidence that supports your answer.

The guides have been very helpful. However, without firm definition of terms such as green, sustainable, biodegradable, non-toxic, organic, etc. it is quite easy to misrepresent the qualities of a product. The debate over bamboo fiber and rayon made from bamboo as discussed in the workshop is a good example. Similar debates could be held for fiber made from corn, recycled polyester, etc. pointing out the need for good science in the form of life cycle analysis, toxicology, analytical chemistry, etc. There is an obvious necessity for precise and clear

definitions. These definitions require collaboration between government agencies, standardization organizations, academia and industry.

(2) Has there been a change in consumer perception of environmental claims for textiles since the Guides were revised? (a) If so, please describe this change and provide any evidence that supports your answer. (b) Should the Guides be revised to address any such change? If so, how?

The rise of environmental consciences has created much "buzz" and desire on the part of the consumer to be more sustainable and eco-friendly. It is a natural and a hopeful sign that producers realize this desire on the part of the consumer and are beginning to produce products to fill this niche. The consumer is becoming more educated and therefore the definitions as discussed in (1) above become very important. Key green terms must be precisely defined to carry value and meaning moving forward. There needs to be science and precision in terms and processes. The Guides should provide this.

The consumer must be educated concerning the difference between evolving accreditations and their approaches to certification. Few consumers understand that many "organic" standards do not use analytical sciences to verify supply chain conformance. Such verification is an important part of Oeko-Tex's value to inspire "confidence in textiles".

(3) Are there environmental claims for textiles in the marketplace that are misleading? If so, please describe these claims and provide any evidence that supports your answer.

It is our feeling that the term "organic" is quite suitable to define fibers grown in an organic manner (USDA), However, the "organic" term for textiles is insufficient because current dyeing and finishing technology uses man-made, synthetic organic chemicals to produce coloration and finishing effects. Are cotton or wool grown "organically, still organic after often application of over 10% of its weight of synthetic dyes and chemicals?

This is a matter of standards and definitions. The public should be informed that unlike the food sector, an "organic" textile product does contain "man-made" chemicals and not only "nature-made" chemicals. To determine the presence, amounts and impacts of such man-made chemicals requires analytical verification of concentrations that humans could be exposed to, as well as process verification. All chemicals, even water, are toxic if amounts are high enough and humans are exposed to them (dose makes the response).

The global textile industry is too diverse for process audits without analytical verification to determine possible exposure to humans. That is why the Oeko-Tex standard includes extraction, simulating potential human exposure and analysis of residues as a necessary part to have "confidence in textiles."

(4) To the extent not addressed in your previous answers, please explain whether and how the Guides should be revised to prevent consumer deception, provide business guidance, and/or

reduce costs that following the Guides may impose on businesses, particularly small businesses, with respect to environmental claims for textiles. Please provide any evidence that supports your answer.

The new guides must be very precise in defining "green" and all associated terms. This should be their most important focus. The guides must be clear on the value of independent, third-party certification and recognize credible organizations and processes that are qualified to perform such certifications.

B. <u>Claims Regarding Organically Grown and Natural Textile Products</u>

(1) Should the Guides be revised to include guidance regarding environmental claims for organically grown textile products? If so, why, and what guidance should be provided? If not, why not?
(a) What evidence supports making your proposed revision(s)? Please provide this evidence.
(b) What evidence is available concerning consumer understanding of the term ''organic'' when used to describe a textile product? Please provide this evidence.
(c) What evidence constitutes a reasonable basis to support an organic textile claim? Please provide this evidence.

The Guides should provide guidance specific to textiles, which would include organically labeled textiles. This guidance should reference the USDA National Organic Program (NOP) for information about organic production standards, and discuss the distinction between process standards. It should describe the methods by which the products are produced, and identify the product standards, which refer to specific qualities of the product.

The Global Organic Textile Standard (GOTS) is an example of a private, voluntary standard for organic textile processing. However, it must be understood that GOTS is a process review standard, without analytical verification. GOTS, in our opinion, leaves many opportunities for mistakes and fraud within the dyeing and finishing process for textiles. This is due to the lack of regulation of composition for textile chemicals. Textile chemicals' compositions are rarely disclosed and this is controlled within the industry by a myriad of 'restricted substances lists" that are promulgated by various brands and certification bodies. The confirmation of presence and amounts of such substances can only be verified by rigorous analytical confirmation.

(2) Should the Guides be revised to include guidance regarding environmental claims for so-called ''natural'' textile products? If so, why, and what guidance should be provided? If not, why not?
(a) What evidence supports making your proposed revision(s)? Please provide this evidence.
(b) What evidence is available concerning consumer understanding of the term ''natural'' when used to describe a textile product? Please provide this evidence.

(c) What evidence constitutes a reasonable basis to support a natural textile claim? Please provide this evidence.

Natural as a term has little specific meaning. “Natural” products can be very toxics, i.e. certain mushrooms, berry’s etc. Specific definitions are necessary and should be based on science and not on marketing.

(3) Are there claims regarding organically grown or natural textiles in the marketplace that are misleading? If so, please describe these claims and provide any evidence that supports your answer.

Organic as a term has an agricultural definition that depends on growing and handling conditions. Organic fiber processed even with “safe” man-made chemicals contains significant levels of these man-made chemicals. Because of this, the term “organic” must be clearly defined as it pertains to textile products and there needs to be a clear differentiation between organic foods and organic textiles as defined by GOTS.

(4) To the extent not addressed in your previous answers, please explain whether and how the Guides should be revised to prevent consumer deception, provide business guidance, and/or reduce costs that following the Guides may impose on businesses, particularly small businesses, with respect to environmental claims for organically grown or natural textiles. Please provide any evidence that supports your answer.

There are evolving rules defining “organic.” We would like to see these definitions refined and clarified. There must be cooperation between USDA, FDA and NOP. We feel that it is very unlikely that process audits only justify the labeling of a textile product as organic once the fiber leaves the field and enters the manufacturing realm. There should be analytical verification to confirm or deny the presence of toxic agents on textiles due to the complexity of textile processing. In this way, textiles are a much different products and production process in comparison to food. There are thousands of chemicals used in textile processes. While many are “green” and safe, none should be claimed as organic; the exceptions being natural soap and some vegetable-based dyes.

C. Third-Party Certifications and Seals

(1) How effective have the Guides’ provisions regarding third-party certifications and seals been in preventing consumer deception and providing business guidance with respect to environmental claims for textiles, building products, or buildings? Please provide any evidence that supports your answer.

There is little information in the Guides concerning third-party certifications and seals. This should be improved. We would like to see general information provided for consumers about how to evaluate the credibility of any third-party certification of a seal or claim.

Criteria for evaluating such claims should include how well founded the standards are, and whether they have been developed through a multi-stakeholder process; credentials of the certifying body (i.e., accreditation by a competent authority as defined by ISO); periodic auditing and transparency of the supply chain; and effective enforcement of standards and requirements by the certifying body or regulatory authority.

(2) Has there been a change in consumer perception claims using third party certifications and seals for textiles, building products, or buildings since the Guides were revised (1998)?
(a) If so, please describe this change and provide any evidence that supports your answer.
(b) Should the Guides be revised to address any such change? If so, how?

There are now a growing number of third part certifiers. Surveys show that consumers are deciding on which accreditations to follow often based on information found on the internet.

(3) What criteria are third-party certifiers using to substantiate claims made with third-party certification or seals for textiles, building products, or buildings? Are those criteria appropriate? Please provide any evidence that supports your answers.

Oeko-Tex standards are completely transparent and based on sound science and a collaborative development process. All standards should be required to be public and transparent (professional and scientific literature, internet etc.) Recent studies have shown the internet is the route most retailers and consumers use to obtain information on various standards (www.oeko-tex.com.)

(4) Are there environmental claims for textiles, building products, or buildings using third-party certifications and seals in the marketplace that are misleading? If so, please describe these claims and provide any evidence that supports your answer.

We believe that most third-party certification organizations and standards are honest attempts to meet stakeholder expectations. In many cases, there are clear differences in standards and the stakeholders they serve. In the long term, it must be remembered that consensus standards will be accepted by consumers because they fulfill a need. Certifications that are credible will emerge as leaders because they sound and meet a need. They will ultimately reach a critical mass in the marketplace. Oeko-Tex certification issuing more than 9,000 annual certificates has reached such a critical mass worldwide.

Certainly part of the current lack of clarity in the area of “green products” is due to the lack of environmental textile standard in the US. This is not so in Europe and other parts of the world

where such certification programs have been in use since the 1990’s and are well recognized by the textile trade and consumers.