



August 15, 2008

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

Re: Green Building and Textiles Workshop – Comment, Project No. P084203

Dear Sir or Madam:

The Soap and Detergent Association (“SDA”) appreciates the opportunity to comment in response to the request issued by the Federal Trade Commission (“FTC”)¹, in connection with review of its Guidelines for Environmental Marketing Claims (“Guides”)².

Background

The Soap and Detergent Association is a 100 plus-member national trade association representing the formulators of soaps, detergents, and general cleaning products used in household, industrial, institutional and commercial settings, and the companies that supply ingredients and packaging for these products. Throughout our 82 year history, sound technical, risk-based research by SDA and its members has demonstrated the benefits of cleaning products and their ingredients, and our long-standing educational programs have provided consumers with credible information on the safe and proper use of these products.

SDA submitted comments earlier this year in response to the FTC’s Federal Register Notice announcing its review of the Guides and two related workshops. In those comments, we noted SDA’s general support for the Guides in substantially their current form and made some suggestions for enhancing the existing guidance and addressing new issues. The following comments reflect SDA’s suggestions relating to some of the issues raised during the July 15, 2008 workshop on Green Building and Textiles and the questions posed in the related June 10, 2008 Federal Register Notice.

Organic and Natural Claims

With regard to the questions in Sections IV.B.1 and IV.B.2 of the June 10, 2008 Federal Register notice (73 FR 32664), SDA believes the Guides should address “natural” and “organic” claims for all types of products. The Guides require that environmental claims be substantiated, specific and qualified. SDA supports these basic principles that form the backbone of the Guides for all types of environmental marketing claims, whether they apply to the source material for a product or to the product itself. An “organic” or “natural” claim, like any other general environmental claim, should be specific and verifiable.

¹ 73 Fed. Reg. 32662 (June 10, 2008).

² 16 C.F.R. 260.

Certifications and Seals

With regard to Section IV.D of the June 10, 2008 Federal Register notice (73 FR 32665), the FTC should provide additional guidance with respect to environmentally-related certifications and seals for all types of products. While some environmental seals-of-approval, eco-seals, and certifications may provide value in the marketplace, SDA believes there is a need for additional guidance and examples of appropriate and inappropriate use of such certifications and seals.

Section 260.7(a) of the Guides addresses general environmental benefit claims. Example 5 in this section deals specifically with environmental seals, and states that such broad claims must be substantiated and "...accompanied by clear and prominent qualifying language limiting the environmental superiority representation to the particular product attribute or attributes for which they could be substantiated..." In our previous comments, SDA endorsed the principles contained in this Example but encouraged the FTC to more firmly proscribe such unqualified claims. We are particularly concerned with seals or logos that communicate a general claim of "environmental preferability," with no means for the consumer to learn the environmental benefits that form the basis for that claim. It is essential that organizations and companies that use eco-seals and logos provide specificity with regard to the attributes that cause them to endorse the products and be held to the same standards for substantiation as for other general benefit claims.

Section 260.7(a) should be revised to include additional examples that specifically address today's environmental seals and logos, including examples of cases where suitable substantiation exists (or does not exist).

Life Cycle Claims

With regard to Section IV.E.2 of the June 10, 2008 Federal Register notice (73 FR 32665), SDA supports the revision of the Guides to provide guidance on assessing the life cycle impacts associated with environmental marketing claims where appropriate. In the case of green building, certification programs and claims regarding the environmental or human health impacts of a particular structure should consider the lifetime use and maintenance along with the materials and construction practices.

In the broader context, the FTC should encourage marketers to engage in more lifecycle thinking and to consider all factors of relevance in substantiating general environmental benefit claims.

Conclusion

SDA appreciates the FTC's comprehensive approach in reviewing the Guides. Given the increase in "green" cleaning product claims, we believe that a future workshop focusing on consumer products would help to inform the FTC in its review of the Guides. SDA stands ready to assist the FTC throughout its review and in its educational efforts following the re-issue of the Guides.

Respectfully submitted,

Michelle Radecki
General Counsel and Secretary