

**Re: The M Group, Inc., et al., Docket No. 9340**

We have noted that in recent months FTC has lodged several complaints regarding the biodegradability of bamboo and/or cellulose based [rayon] products. In particular, FTC questions the ability of these materials to biodegrade in a landfill since this is the “customary” mode of disposal for the subject items. In addition, FTC questions the ability of these materials “to decompose into elements found in nature within a reasonably short period of time”.

In at least one of these cases, the respondent had substantiated their claim with competent and reliable scientific evidence that their cellulose based product would biodegrade anaerobically [in a landfill]<sup>1</sup>. And even though the evidence showed the biodegradation occurred in a reasonably short period of time, FTC still ruled against the respondent.

If, by the way of these consent orders, FTC’s position is that these materials will not biodegrade in a landfill they are stating that nothing will biodegrade in a landfill and this simply is not true. Landfills emit methane and methane is the elemental compound that is generated when an organic material is anaerobically biodegraded.

According to 2006 US EPA data, 65% of the 251 million tons of municipal solid waste was composed of organic materials<sup>2</sup>; this is not an insignificant amount of organic waste. The US EPA has established the Landfill Methane Outreach Program (LMOP), a voluntary assistance and partnership program that promotes the use of landfill gas as a renewable, green energy source. Landfill gas [LFG] is the natural by-product of the decomposition of solid waste in landfills and is comprised primarily of carbon dioxide and methane<sup>3</sup>. If biodegradation did not occur in a landfill would EPA establish this program?

In the year 2008, all operational LFG energy projects of the LMOP in the United States prevented the release of more than 23 MMTCE (million metric tons of carbon equivalent - the basic unit of measure of greenhouse gases). This reduction also had the same environmental benefit as preventing the carbon dioxide (CO<sub>2</sub>) emissions from the consumption of nearly 197 million barrels of oil or from the burning of more than 442,000 railcars’ worth of coal<sup>4</sup>. Biodegradation in landfills is not an insignificant occurrence.

Why is the “reasonable short period of time” so important to FTC. Items disposed in a landfill are waste, there is no intention to dig them up for reclamation and re-use. It is of no significance if they return to nature in one year or five years. Would it be more beneficial for the items to be indiscriminately littered and allowed to biodegrade – absolutely not? The preferable method of disposal is to landfill and as long as the items have the ability to biodegrade, even if at a relatively reduced rate, the respondent should be able to make the claim. As EPA states on their website the reclamation of Landfill gas does have environmental benefits, lending credibility to the biodegradation feature of these materials. If items are to

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<sup>1</sup> <http://www.ultralighttowels.com/lightload-towels-2230-report.pdf>

<sup>2</sup> <http://www.epa.gov/epawaste/nonhaz/municipal/pubs/msw06.pdf>

<sup>3</sup> <http://www.epa.gov/landfill/index.htm>

<sup>4</sup> <http://www.epa.gov/landfill/accomplish.htm>

be disposed, it is better that they biodegrade, giving an opportunity for the environmental benefits to occur.

FTC's position is incomprehensible. If an item is known to be anaerobically biodegradable or it has shown to be through credible evidence, why will FTC not let the respondent make the claim. The biodegradation in a landfill, independent of the time frame, is surely an improvement over littering or the absence of biodegradation in the landfill environment.