



May 19, 2008

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

Re: Comments, Green Packaging Workshop, Project No. P084200
73 **Federal Register** 11371, March 3, 2008

To Whom It May Concern:

The American Forest & Paper Association (AF&PA) is pleased to file the following comments in response to the above-referenced **Federal Register** notice regarding the Federal Trade Commission's (FTC's) Green Guides. AF&PA is the national trade association of the forest, paper, and wood products industry. AF&PA represents 175 companies and related associations that engage in or represent the manufacture of pulp, paper, paperboard, and wood products. AF&PA worked closely with Federal Trade Commission staff as they developed the FTC Green Guides' provisions pertaining to recycled paper and paper products; we are looking forward to the same relationship in the revision process.

We want to reaffirm our comments of February 11, 2008 and provide several additional observations.

Sustainability

The FTC has expressed concern about use of "sustainability" claims in advertising. The April 30 workshop presentations clearly demonstrated that the only commonly accepted meaning of this term occurs at the very highest level, arising from the 1992 Rio conference and focusing on having resources available for future generations. In order for any company or resource-using sector to make any meaningful use of a sustainability claim, they must establish a more specific meaning, one that reflects their particular circumstance. Thus, in our view, the FTC should concern itself with the substantiation of these claims.

It is also important not to confuse *substantiation* of a claim with the *credibility* of the method used for substantiation. In other words, the FTC should describe the necessary components of substantiation, but not require a specific method of substantiation

The FTC should take an open approach to substantiation as well. AF&PA believes that a broad definition of sustainability may be adopted by the FTC, but that specific sectors should be able to develop focused definitions that meet the needs of that sector. A claimant must be clear about the definition, and must have substantiation that it meets the definition. As long as the claim does not imply sustainability that is broader than the substantiation, the claim should be permissible. Moreover, the FTC should allow reference to websites as sufficient to provide the necessary explanation.

Third Party Claims

AF&PA encourages the use of third-party certifications and endorsements as long as there is transparency in those certification programs or endorsements. The FTC should describe appropriate parameters for such programs and endorsements, and ensure that endorsements are from persons or organizations that are unaffiliated with the product certification or standard developer. Claims of “third-party” certification should only be permitted where the certifier is completely independent of the organization developing the underlying standard. Endorsements by entities that have a monetary or other relationship with the producer should be discouraged. For example, the Sustainable Forestry Initiative[®] (SFI) has established a transparent set of standards which are readily available on its website. The standards apply both to the underlying forest management and procurement; to use of labels; with guidelines for claims; and to the qualifications of the independent, third-party certification bodies. This type of sustainability claim – with clearly defined parameters and metrics – should be allowed, indeed encouraged, although it should be an option, not a requirement.

Recyclability

AF&PA continues to endorse the use of the term “recyclable.” AF&PA has undertaken several surveys to determine the availability of curbside or drop-off recycling programs throughout the United States. We are in the process of completing a new survey; we will provide the executive summary of the results to the FTC when they are available later this summer. Our 2005 survey showed that 86 percent of Americans have access to either drop-off or curbside recycling programs. However, we understand that the issue at hand is whether particular types of materials are included in the various recycling programs. We believe that it is in all of our interests to encourage the recovery of more and more materials that have the capacity to be recycled, but may not be for a variety of reasons. In order to accomplish this, we believe it would be helpful for the FTC to clarify the definition “substantial majority” as it relates to demonstrations of availability of recycling programs.

Other Issues

- ISO Standards – AF&PA continues to believe that the FTC should be compatible with the ISO eco-labeling standards. In June, the international committee will determine whether to revise the ISO 14021 standard. Once that decision is made, the FTC should engage in the process to assure both standards are consistent.
- Pre- and Post-consumer distinction – AF&PA reiterates its belief that the FTC Green Guides do not need to provide the distinction between pre- and post-consumer recovered paper. As we noted in our earlier submission, the distinction is without meaning – perhaps a one or two percent difference in the recovery rates when measuring only post-consumer vs. pre- and post-consumer recovered paper. Therefore, the FTC need not perpetuate the use of the terms.
- Renewable Claims – paper and other forest-based products are made with renewable material – wood. The claim of renewability should be allowed as long as it is transparent on what grounds the claim is based.
- Transparency – AF&PA believes that the FTC should allow the use of websites to provide consumers with the information they need to understand the various environmental claims.

We look forward to working with the FTC as you revise the Green Guides. Please do not hesitate to contact us if you have any questions.

Sincerely yours,

Cathy Foley
Vice President
Paper Group