



November 23, 2010

Donald S. Clark, Secretary
Federal Trade Commission
Office of the Secretary
600 Pennsylvania Avenue, NW
Room H-135 (Annex J)
Washington, DC 20580

File No: P954501
Electronic Submission

Dear Secretary Clark:

Thank you for providing a public comment period on The Federal Trade Commission's proposed revisions to its Guides for the Use of Environmental Marketing Claims, also known as the Green Guides.

I'm writing on behalf of Green America (formerly Co-op America), a nonprofit organization that harnesses the power of consumers, investors, businesses, and the marketplace to build a more just, sustainable society. For over twenty-five years, conscious consumers and companies alike have looked to Green America to define "green." Today, our membership includes over 120,000 individual households and 5,000 businesses across the nation.

We'd like to take the opportunity during this comment period to state our support as well as several concerns and recommendations regarding the Green Guides.

Overall, we welcome the emergence of these guidelines as they bring much-needed clarity and accountability to product labeling. We value that a framework is being established upon which companies and consumers can base common understandings. We appreciate that the Green Guides are an educational tool and can provide small manufacturers, in particular, with a way to more accurately identify where improvements need to be made in their current practices.

We want to ensure, however, that the FTC's focus is on promoting compliance, rather than on harsh enforcement and legal consequences for small companies with a stated and demonstrable commitment to providing green products. Much of our constituency is small businesses who strive – with limited resources - to make their operations a vehicle for sustainability.

The fact that the Green Guides are not law, and will not result in prosecution, is a moot point for these and countless other small businesses. For them, an FTC investigation will have essentially the same impact as prosecution. This is an equity issue since large companies have legal resources to review FTC rulings and product claims, as well as financial resources to make

quick and needed adjustments to product tags, packaging and Web sites. For this reason, we recommend that the FTC first issue a warning to any companies with questionable products or marketing, along with information on how to be in compliance, before launching a fuller investigation.

This is why we want to see a process that emphasizes education, clear communication, and reasonable timetables to come into compliance. We'd like to see FTC materials and outreach include a focus on small businesses of fewer than 50 employees. For example, a responsive and dedicated phone/email resource which companies can use for specific questions.

The FTC should also look to business membership organizations, like Green America's Green Business Network, as a key resource in educating their businesses and should provide resources specifically for groups like ours so that we can play a constructive role in outreach and education. We'd also like to invite a representative from the FTC to be a guest on a webinar that Green America's Green Business Network would host in 2011.

In addition, we have concerns about how "free-of" claims may be addressed by the FTC. On the one hand, we are concerned that free-of claims may be defined too loosely, referring both to the absence of a particular substance as well as to the presence of trace amounts of the substance. For some of our businesses and consumers, this distinction is very important. Understanding that the definition of what constitutes a de minimis amount of a substance would be handled on a case by case basis, we want to underscore that for a number of constituencies, such as chemically sensitive populations, the difference between "zero" and "trace" is significant. On the other hand, we also want to ensure that free-of claims are not overly restrictive, and will allow businesses to make legitimate free-of claims. Some consumers specifically seek information on the absence of chemicals of concern, especially in products for body care and household cleaning.

Small businesses and those with a commitment to high environmental and social standards can play a key role in the success of the Green Guides. Small business plays a crucial role in our national economy, employing half of all private sector employees, generating the majority of new jobs, and spurring innovation as well-documented by the Small Business Administration. We hope the Green Guides will provide a valuable service both to businesses and consumers.

On behalf of the thousands of values-driven business and consumers that Green America represents, thank you for fostering transparency and accountability in the ever-growing green marketplace.

Sincerely,

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Alisa Gravitz
Executive Director
Green America