

December 3, 2010

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

Proposed, Revised Green Guides, 16 CFR Part 260, 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.

We write as organizations that have a membership base of businesses and consumers that support a strong sustainability agenda and that work to ensure that their products, services, and operations adhere to sound social and environmental standards.

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 ours as a key resource in educating their business networks and should provide resources specifically geared to our organizations so that we can play a constructive role in outreach and education.

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 that 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 we represent, thank you for fostering transparency and accountability in the ever-growing green marketplace.

Sincerely yours,

Melinda Cheel, Executive Director, Green Chamber of Commerce

Andrea Cohen, Executive Director, Vermont Business for Social Responsibility

David Levine, American Sustainable Business Council

Alisa Gravitza, Executive Director, Green America

Elliot Hoffman, Executive Director, New Voice of Business

Mark McLeod, Executive Director, Sustainable Business Alliance

Peter Nicholson, Executive Director, Foresight Sustainable Business Alliance

Nancy Ploeger, President, Manhattan Chamber of Commerce

Vince Siciliano, President, New Resource Bank

Aileen Sweeney, Director, Member Services & Engagement, Social Venture Network