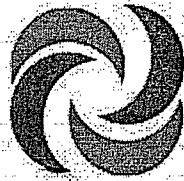


Charles J. Lancelot, Ph.D.
Executive Director



Clifford Moriyama
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Plastics Environmental Council

December 8, 2010

Mr. Jon Leibowitz, Chairman
Ms. Julie Brill, Commissioner
Mr. William E. Kovacic, Commissioner
Ms. Edith Ramirez, Commissioner
Mr. J. Thomas Rosch, Commissioner
Federal Trade Commission
Office of the Secretary, Room H-135
(Annex J), 600 Pennsylvania Avenue,
NW, Washington, DC 20580

Re: Proposed, Revised Green Guides, 16 CFR Part 260, Project No. P954501

Dear Chairman Leibowitz and members of the Commission

The undersigned represent a group of companies that are members of the new Plastics Environmental Council. We appreciate the opportunity to comment on the Federal Trade Commission Proposed, Revised Green Guides (16 CFR Part 260, Project No. P954501). Our interest in the Federal Trade Commission (FTC) Proposed, Revised Green Guides ("Proposed Guides") focuses specifically on the Degradable Claims section of the Proposed Guides (Section V, Subsection C – Federal Register/Vol. 75, No. 199, pages 63568 – 63570) and Section 260.8 (Federal Register/Vol. 75, No. 199, page 63603).

We represent a broad spectrum of companies involved in the manufacturing of plastic products that will biodegrade in an anaerobic environment (landfill). Recent technological advancements in the plastics industry have created additives that can convert traditional plastics into plastic that will biodegrade in biologically active landfills without affecting the performance or integrity of the plastic. Biodegradability of these new plastic products is determined based on the American Society for Testing and Materials (ASTM) definition of "biodegradable plastic" and approved ASTM test methods and other scientific test methods (ASTM definition of "biodegradable plastic" - degradable plastic in which the degradation results from the action of naturally-occurring micro-organisms such as bacteria, fungi, and algae). Now, plastic products that would never degrade in a landfill can biodegrade within a reasonably short period of time (ie. typical landfill degradation rates of 5 to 10 years) – leaving behind no harmful materials, only biogases and humus.

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Our companies believe that the current Guide regarding degradable claims continues to be the correct approach in providing guidance to manufacturers and consumers regarding this emerging technology and product development. The current Guide allows a product to be identified as being biodegradable if that claim is substantiated with competent and reliable scientific evidence that the entire product will completely break down in a reasonably short period of time after customary disposal. The fact that traditional plastic products can now be manufactured in such a way as to have the products biodegrade in a landfill within a reasonably short period of time based on competent and reliable scientific evidence meets the current Guide's stipulation and should be brought to the attention of consumers as such.

Unfortunately, the Proposed Guides instead include provisions that would make it impossible for any type of manufactured product to be labeled as "biodegradable" if that product is customarily disposed of in a landfill, which is where about 55% of total disposables go today. Proposed Guides Section 260.8 (b) and (c) when read together states that even if a consumer product can biodegrade in less than one year, that product still cannot be identified as being biodegradable if it is customarily disposed of in a landfill. This position is based on the citations given in the Proposed Guides that stipulate that biodegradation processes in landfills occur slowly if at all.

Significant advancements in the way landfills are operated – including the capturing of landfill biogas generated by the biodegradation of materials in the landfill and the generation of energy from at least one-third of them – demonstrates that landfills do provide a commercially significant and growing environment for biodegradation to occur – contrary to the statements made in the Proposed Guides. The latter position appears to be based on information as old as 20 years, well before current practices were developed and in place.

Our understanding of the FTC's one-year-to-biodegrade concept is based in large part on an opinion survey of selected, not necessarily well-informed consumers a majority of whom expressed their belief that random, indiscriminate disposal of biodegradably labeled products would not lead to undesirable accumulation of such wastes because they would disappear in any natural venue within one year. One can certainly see why the FTC would want to act to prevent misleading "greenwashing" that would lead to such well-intentioned but misguided consumer actions.

However, we are coming to understand that much of today's public may have missed out entirely on understanding that the majority of their disposables will go to landfills, and that today's technologies can turn those disposables into recoverable energy sources. As such, in regard to the issue of what is a reasonable amount of time for a consumer to expect a product to biodegrade, our companies believe that the one-year timeframe contained in the Proposed Guide will limit the ability of our companies to educate consumers on the true nature of our biodegradable products and the environmental benefits derived by having biodegradable plastic products disposed of in today's landfill energy sources.

We believe that Section 260.8 (b) and (c) would establish a standard that is based - not on sound science and current landfill management and energy recovery practices – but on an outdated perception of landfill operations and perhaps also on an unawareness of new technologies in the manufacturing of biodegradable plastic products.

Based on our concerns with the Proposed Guides, we respectfully request that the FTC consider our comments and concerns and that Section 260.8 (b) and Section 260.8 (c) be deleted from the Proposed Guides.

Sincerely,

James Blood
General Counsel
FP International

Paul Chasnoff
Director of Corporate Product Management
C-Line Products, Inc.

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