



KEEP AMERICA BEAUTIFUL, INC.

December 9, 2010

The Honorable Jon Leibowitz
Chairman
Federal Trade Commission
RoomH-135 (Annex J)
600 Pennsylvania Avenue, NW
Washington, DC 20580

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

Dear Mr. Leibowitz:

Keep America Beautiful, established in 1953, is the nation's largest volunteer-based community action and education organization. With a network of over 1,200 affiliate and participating organizations, Keep America Beautiful forms public private partnerships and programs that engage individuals to take greater responsibility for improving their community environments through litter prevention, recycling and beautification actions. KAB appreciates the opportunity to provide comments to the Federal Trade Commission regarding the Commission's Guides for the Use of Environmental Marketing Claims (Green Guides). As a national organization advocating for increased recycling, we limit our comments to the recyclability section.

At KAB, we believe that every consumer makes two important choices that affect the amount of waste in America:

- What products we choose to buy or use, and
- How we choose to recycle or dispose of the product when finished with it.

At the point of purchase or use, consumers have the opportunity to consider a product, its packaging, how it is constructed, whether it can be reused or recycled, and whether it is made from recycled materials. By choosing recycled, recyclable or reusable products, we can extend the functional life of a product and divert it from the landfill.

Purchasing recycled products also helps by creating a market for the recycled material, "completing the loop." Consumer demand is a powerful factor affecting what is purchased, recycled and what goes into the waste stream, and our individual decisions over time make a significant difference.

Once a product has reached the end of its functional life, consumers decide how it will enter the waste stream. What guides our work is how to increase recycling rates, which according to the Environmental Protection Agency, is slightly over 30% nationally.

The accumulated evidence of practitioners in the recycling field, indicate that the following are important factors with regard to impacting recycling behavior and thus increasing recycling:

- a) convenience (ease of recycling),
- b) understanding what is recyclable, and
- c) understanding the benefits of recycling.

We know that making it easier for the recycler leads to increased recycling. For example, we have seen an increase in recycling for those locations that have moved from multiple bins for recycling materials to single stream collection. However, an additional important factor to making it easier for the consumer, is ensuring there is clear and consistent information directing the consumer on what is recyclable. For example, KAB works with the Curbside Value Partnership (CVP) program. This program partners with local municipalities to educate and remind residents to recycle. In those communities where the CVP awareness campaign has been activated there has been a demonstrated increase in recycling participation by 16 – 23 %.

As such, we believe that while the Commission is establishing such direction and standards for legal reasons, as a practical matter, the recycling label located on a package or product could over time have an influence on purchasing behavior, and will have an influence on guiding disposal behavior. Thus, we believe the Green Guides should provide clarity and consistency in the icon and wording of recyclable products and packaging not just for brand owner compliance with marketing claims, but also for purchasers in making educated choices. While packaging labeling it is not the only opportunity for consumer education, it is an important point-of-purchase opportunity to provide clear messaging to consumers.

We know that there is an ever-growing consumer base that has an increased level of environmental consciousness and wants to take action to help make a difference. However, to meet this expectation, they need clear information. So maintaining the three-tiered disclosure approach **and** providing “bright line” information with numeric thresholds that can be used to substantiate a claim of recyclability versus a narrative description we believe will make it clear to marketers about what claims they can make, and ultimately, provide more clarity to the consumer who is responsible for taking that recycling action. We support the Commission’s proposal to establish a numeric definition for what is a “substantial majority” threshold. Further, we encourage the Commission to also establish a numeric definition and wording guidelines for “significant percentage” threshold as well.

It is important to note that since the green guides were last updated in 1998, access to recycling has increased. In addition, information about each communities’ recycling capabilities are more readily available as citizens have access to local recycling capacity on government websites and other on-line sources, such as Earth911.com. We believe the Commission should consider establishing a readily accessible national registry or similar information resource of those package and product materials that do meet the “substantial majority” threshold. Making this information readily available may encourage more manufacturers to use recycled material in their packaging and product, but also, will contribute to providing ease of recycling information to the public.

KAB strongly supports the FTC's commitment to update the Green Guides and appreciates the opportunity that the Commission has extended to provide comments concerning the potential changes related to recycling. In summary KAB supports:

- ensuring that the Green Guides provide clarity and consistency in the iconography and wording of recyclable products and packaging;
- the Commission's proposal to establish quantitative standards for what qualifies as "substantial majority" and "significant percentage" thresholds; and
- the consideration of establishing a readily accessible national registry or similar information resource of those package and product materials that do meet the "substantial majority" threshold.

In closing, KAB believes updating the Green Guides in a manner that provides more meaningful guidance to industry regarding the use and substantiation of environmental marketing claims but also, provides enhanced information and reflects the need of today's more environmentally-conscious consumer. KAB believes it is important and will lead to increased recycling if environmental packaging/product claims are both clear and consistent. KAB welcomes the opportunity to discuss these issues in more detail with the Commission staff.

Respectfully submitted,

Brenda Pulley
Senior Director