

Tandus Flooring – Comments on proposed revisions to FTC’s Green Guides

E. Recyclable

- a. Substantial Majority Threshold: Tandus Flooring agrees with FTC’s recommendation to quantify the “substantial majority threshold” as “60% of the population” or “60% of the consumers/communities.” This should not be limited based on distance to recycling facilities as many manufacturers offer pick-up and/or shipping programs for materials to be returned for recycling.
- b. Use of Positive Disclosures: Tandus Flooring agrees with FTC’s recommendation to also include reference to appropriate web sites and telephone numbers in combination with “recyclable” claims to obtain recycling details.

F. Recycled Content Claims

1. Reused/Refurbished or Recycled Content Claims: Tandus Flooring feels that it is appropriate for the FTC Green Guides to require that a distinction be specified between reused/refurbished and recycled material. Consumers have the right to know if a product is reused/remanufactured or has been produced using recycled materials when manufactured when purchasing.

1. Percentage of Recycled Content: Tandus Flooring agrees with FTC’s Example 9 that indicates that the percentage of recycled content should be based on the annual weighted average of the recycled content in the product.

b. ISO 14021 Approach to Post Consumer Material: Tandus Flooring would like FTC to consider adopting the ISO 14021’s expanded definition of post consumer material to include “returns of material from the distribution chain” if the material reached and/or was used by the consumer. This would allow off-quality goods returned by the consumer to be counted as post consumer content.

c. Calculating Recycled Content: Tandus Flooring feels strongly that the Guides should only specify and endorse one method of calculation for recycled content (based on the annual weighted average for the product). Additionally, the recycled content should be determined by dividing the Recycle Content Weight by the Total Product Weight and multiplying by 100. Tandus Flooring feels that the recycled content claim must be representative of the actual product that contains the recycled content. For example, if a manufacturer produces the same product at two separate facilities and one facility incorporates recycled content and the other facility does not, then the product produced without recycled content should not be able to make a recycled content claim.

Tandus Flooring is also strongly against allowing claims based on any type of mass allocation methodology to allow for recycle content “offsets.” Our company agrees that these alternative approaches could mislead consumers by implying that individual products have a greater

percentage of recycled content than they actually do. A manufacturer should not be able to calculate recycled content across many or all of its product lines. For example, if a manufacturer produced two product lines, one with 50% recycled content, the other with 0%. It would be misleading to claim both products contain, on average, 25% recycled content. Consumers should know what the actual recycled content is in the item they are purchasing – based on the annual weighted average of the recycled content contained in that particular product. Any type of claim based on mass allocation would be misleading and would provide an avenue for making inaccurate, false claims.

- a. Pre-consumer Recycled Content Claims for Textiles: Tandus Flooring agrees with the FTC’s definition that pre-consumer content must be “materials recovered or otherwise diverted from the solid waste stream...” However, Tandus feels that any material, if used in place of virgin material, regardless if it has become standard practice in industry to reuse that material, should be considered pre-consumer recycled content. Consumers are not aware of which materials have become standard practice to reuse within a manufacturing process. Credit should be given to manufacturers who have made it standard practice to reuse waste materials within a process – regardless of the number of steps or difficulty of such reprocessing.

H. Free of and Non-Toxic Claims

Free of Claims: Tandus Flooring believes that a “free-of” claim should not be made unless the substance is completely absent from the material. A material is not actually “free-of” a substance unless it is absolutely not present in any amount. Our company also believes that a “free-of” claim should not be allowed if that product or material never contained the substance in question as it may be misleading to the consumer. Tandus Flooring also discourages the FTC from allowing “free-of” claims on products that “contain a de minimus amount of a substance that would be inconsequential to consumers.” It is difficult, if not impossible, without exhaustive, definitive, scientific evidence to determine if the substance is inconsequential to consumers.

VI. Claims Not Addressed by the Current Green Guides

- A. Sustainable Claims: Tandus Flooring would like the FTC to consider adding the claim “sustainable” as it relates to a product, material or service to *Section 260.6 General Principals* and address it as the phrase “environmentally friendly” has been addressed in section (c) *Overstatement of environmental attribute*. Our company feels the term is appropriate when used to communicate a company’s organizational environmental vision, goals or philosophy but not relative to a material, product or service.
- B. Organic Claims for Non-Agricultural Products: Tandus Flooring feels it is not appropriate for the FTC to address the use of organic claims to describe non-agricultural products at this time. Non agricultural products, such as, cotton or wool

should not be described as “organic” because the general connotation of the term relates to agricultural products. The term as it applies to non agricultural products should be further qualified to describe either the materials ingredients, manufacturing or processing.

- C. Renewable Materials Claims: Tandus Flooring agrees that a marketer should provide specific information about a renewable material, such as, its percentage in the total product, its composition and source and why it is renewable.
- D. Renewable Energy Claims: Tandus Flooring feels that a manufacturer should be able to disclose if a product is made using renewable energy if the amount of renewable energy utilized is qualified. For example, “50% of the energy used to manufacture product X is from renewable energy sources.” Tandus Flooring does not feel it is necessary that the source(s) of renewable energy be stated. Stating the source of renewable energy should not be required in order to prevent the consumer from assuming that the product is made with renewable or recyclable material.

C. Carbon Offset Claims

b. Timing of Emission Reductions: Tandus Flooring does not feel it is necessary to disclose if the offset purchase funds emission reductions that will not occur for two years or longer.

VII. Request for Comment

- 2. Tandus Flooring believes it would be beneficial for FTC to include an example illustrating a qualified general environmental claim such as the one referenced “eco-friendly sheets made from bamboo.”
- 3. Tandus Flooring believes all general environmental benefit claims should be qualified – even if the product has negligible environmental impact.