



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

Dear Chairman Leibowitz and members of the Commission:

ENSO Plastics, LLC is a responsible, integrity-driven environmental company created in 2008 to alleviate the plastic pollution and landfill issues resulting from the billions of plastic products which are not properly recycled. ENSO markets an all-natural additive that, when blended during petroleum based plastic manufacturing, has been scientifically proven to render the plastic biodegradable in a landfill environment based on ASTM D5511 and ASTM D5526 test methods.

The FTC is considering changing the Green Guidelines to state that plastic biodegradability can only be claimed if the item biodegrades in 1 year or less. Our response to this premise is that we believe that the FTC's direction on this should reflect the EPA's understanding of biodegradability in a landfill environment. The EPA has recognized several phases of biodegradation within a landfill, phases that take time to evolve through. The variable of the exact time is dependent upon a few factors (such as moisture, and temperature), and landfills are also evolving to create quicker rates of bioactivity to shorten this time.

We ask the FTC to reflect this same understanding and to take the approach of looking to organizations such as ASTM, ISO or even UL and NSF to verify the landfill biodegradable claims with the rigors of scientific test methods and standards to verify claims. Innovation needs room to grow and develop. Unrealistic requirements such as what is being proposed will only succeed in closing doors to expanding markets and innovative growth.

The key here is to show credible data that displays the reasoning behind a green claim, so as to eliminate green washing. Much like the claims of recyclability, there can be no 100% proof that a plastic item that is recyclable will end up in the recycling stream, but that claim will stand that it is indeed recyclable. We have a plastic that is biodegradable in a landfill, and through ASTM testing methods, can prove that this claim is 100% accurate and responsible.

So again, we strongly embrace the notion of anti-deception monitoring and crack-down in which FTC is doing so carefully, but let's work together to bring innovation and change to give life to positive change in our environment. We feel that some of the data presented to the FTC was perhaps loaded with agendas, which created seriously restrictive and perhaps ill-advised guidelines. The APCO survey demonstrates this notion. We hope the market will follow the science, rather than the market following an uneducated public perception that is not up to speed



on the latest innovations. These proposed guidelines pose a serious threat to our business, and to moving the market forward in a direction everyone who cares about our planet would like.

This letter is intended to state the following:

- We would like to substantiate that we totally subscribe to the FTC's anti-deception stance, indeed we depend on it for protection from unfair competition from less ethical players.
- Unrealistic requirements such as what is being proposed (with a 1 year requirement to claim biodegradability), will only succeed in closing doors to expanding markets and innovative growth.
- ENSO treated plastics in a landfill environment are scientifically proven (Using ASTM test methods) to biodegrade to carbon dioxide, methane and humus.
- FTC should look to the scientific community and adopt similar expectations shared by the EPA and other professional landfill engineers.
- Landfill biodegradation rate requirements should greatly differ from that of the limited industrial composting facilities.

Desired Takeaway:

- There are two different technologies in environmentally responsible plastics:
 - plant-based plastic solutions vs. petroleum-based plastic solutions
 - compostable vs. biodegradable, respectively.
- Petroleum-based plastics treated with ENSO will not degrade in a compost facility.
- Plant-based plastics will not degrade in a landfill.
- Blending the guidelines for compostability and biodegradability is not scientifically viable because they are different processes
- There must be two different and valuable FTC Green Guidelines
 - one guideline for claims about plant-based plastic composting in high speed compost facilities, a mechanically fueled process which takes 1 year.
 - one guideline for claims about petroleum-based plastic biodegradation in landfill facilities, a natural process which takes between 5 to 50 years.

Our additive is proven effective by the most rigorous, most exacting and most current applicable independent, internationally accepted landfill testing standards available:

- ASTM D5511 Standard Test Method for Determining Anaerobic Biodegradation of Plastic Materials Under High-Solids Anaerobic-Digestion Conditions
- ASTM D5526 Standard Test Method for Determining Anaerobic Biodegradation of Plastic Materials Under Accelerated Landfill Conditions

ENSO is a member of ASTM and sits on several of their subcommittees that are over the scientific claims and procedures in our industry. We wholeheartedly stand behind required scientific testing and accurate claims based on independent, scientific scrutiny.



We implore this commission to enact separate Green Guidelines which acknowledge the stark difference between the plant-based plastic claims and the petroleum based plastic claims as they pertain to end-of-life timelines in starkly different resting places. Consumers want to do the right thing, but they are confused as to what is home compostable vs. what needs to be placed in a commercial compost facility. They don't know whether to toss compostable plastic in the recycle bin, or into their home composting, or in the few counties in the US that have a food waste program, to put the compostable plastic in that bin. Most consumers put compostable plastic in the recycling bin-which action directly contaminates the recycling stream! Let's get those scenarios addressed by properly requiring guidelines and full disclosure on the labeling of what to do with the different types of compostable.

- This will protect and educate consumers allowing them to choose which plastic they purchase based on waste management facilities in their communities.
- The environmental plastic industry's research and development and scientific innovation will thrive in a healthy, divergent marketplace simultaneously focused on perfecting the future of plant-based plastics while dealing with the present problem of petroleum-based plastic disposal.

ENSO passionately believes that reducing the landfill biodegradation rate of plastic from 500+ years down to less than 50 years is the technological and environmental breakthrough. Soon we hope to have something that would meet very fast performances, and with the development of more modern landfills quickly popping up all over the U.S. (where they are circulating the moisture from garbage referred to as leachate), future materials promise to have an amazing shift in the way we use/dispose of plastic. We wish only to have this *landfill facility technology* acknowledged in FTC Green Guidelines as a *separate and unique technology* from composting technology.

FTC Green Guidelines are part of our foundation. ENSO's "Approved Marketing Claim Policy" and "Product Labeling Policy" are sourced directly from FTC guidelines. ENSO Plastics has used FTC Green Guidelines to define our business-direction. The entire environmental plastics industry uses them to establish landmarks in growth, to protect valuable customers from deception and to protect our industry from discredit.

America is the hub of some of the greatest innovations in history, this technology being one of them; a unique technology applying proven science and requiring unique guidelines from other technologies. We respectfully ask the FTC to give this due consideration and enact the necessary standards to foster market health and responsibility. We would like to invite an open dialogue with the appropriate individuals at the FTC with Enso in conjunction with scientific personnel to discuss these issues in more depth.

Sincerely,

Danny Clark
President
Enso Plastics