

P A P E R
RECYCLING
COALITION

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December 10, 2010

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

RE: Proposed Revisions to Guides for the Use of Environmental
Marketing Claims, 75 *Federal Register* 63552, October 15, 2010

Dear Sir/Madam:

The Paper Recycling Coalition (PRC) is pleased to respond to the request for comments on the Federal Trade Commission's (FTC) proposed revisions to the *Guides for the Use of Environmental Marketing Claims* (Green Guides). The PRC comprises eight companies who manufacture 100% recycled paper products: Graphic Packaging International, The Newark Group, Newman Company, Norampac, a Division of Cascades, Inc, PaperWorks Industries, Pratt Industries, RockTenn Company, and White Pigeon Paper Company. The mission of the PRC is to ensure access our raw material supply, recovered fiber, and to preserve the integrity of 100% recycled paper products in the marketplace.

The goals of the FTC in issuing the Green Guides revisions are both to protect the consumer from false or misleading marketing claims and to protect industries like PRC's members from unfair competition in the form of misleading green claims. The PRC fully supports these important goals and we applaud your decision to retain language in the guidance that an unqualified recycled content claim means that the entire product is made with recycled materials. This protects the integrity of 100% recycled paper products. However, we urge the FTC to clarify an issue of concern to our industry with respect to the use of the term 'recyclable'.

Recyclability Claims

The current Green Guides allow the use of the unqualified term 'recyclable' on a package or product only if recycling is available for that product in a 'substantial majority of American communities or is available to a substantial majority of Americans.' This makes sense in light of the Commission's mission and we encourage the Commission to formalize the definition of 'substantial majority' in the document itself and not in the footnotes.

The PRC is, however, concerned about the continued inclusion in the Green Guides of the term 'significant percentage'. If the Commission chooses to use that term, it requires a definition. Without a definition, we believe it will not only cause considerable consumer and conscientious marketers confusion, but it will open the door to abuse by less conscientious marketers who want to take advantage of the vague standard as product marketers rush to make recyclability claims. From an industry standpoint, it is important that markets exist for any material that is recovered. If a material is collected that has no market value, it will have to be disposed of by either the collector or the mill. This produces no benefit to the consumer, and will be an added cost to industry and the municipality. Knowing that a material can be recycled and turned into a new product does not mean that it is currently cost effective to do so. Consumers will lose faith in the recycling system if they learn that some of the material being recovered ultimately ends up in the landfill. That, in turn, could have the perverse effect of depressing legitimate recycling.

As an industry that has worked hard to demonstrate compliance with the 'substantial majority' rule, we are sympathetic to those products unable to meet the 60% standard. However, the Green Guides are not designed to create markets for recovered materials when none currently exist. By including terms like 'significant percentage' without a clear definition, you will open up the marketplace to more deceptive claims.

We were disappointed that the Commission chose not to clarify for the consumer the many sustainability claims being made. While we understand the results of the focus group convened by the FTC, we urge the Commission to reconsider its interpretation of those results. Clearly the consumers don't understand the term 'sustainable' yet it is being used every day in more and more products and services. If the Commission provides no guidance on the use of the term, the likely result will be more use of the term and more consumer confusion.

Finally, the current Green Guides are significantly out of date. Terms being widely used in the marketplace today, such as 'sustainable', 'organic' and 'renewable' weren't even considered in the 1998 version of the Guides. It is essential to industry and consumers that Green Guide definitions be both clear and unequivocal. The current Green Guides are out of pace with today's marketing claims and should be updated as soon as possible. It is vital that the solutions developed by the FTC not exacerbate the current confusion, by including the terms 'significant percentage' and 'less than significant percentage' without a clear definition of what you mean.

Federal Trade Commission
Office of the Secretary
December 10, 2010
Page 3

While we urge you to complete this review quickly, we also appreciate the fact that this has been a monumental undertaking and applaud what you have accomplished. We look forward to working with you in the future.

Sincerely,

Fran McPoland
Washington Representative

Terese Colling
Washington Representative