FEDERAL TRADE COMMISSION

CARE LABELING RULE ROUNDTABLE

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Reported By: Stephanie Gilley

FEDERAL TRADE COMMISSION

I N D E X

W E L C O M E

MR. FRISBY: Welcome to the Commission's Care Labeling Rule Roundtable. My name is Robert Frisby, I work in the FTCs Bureau of Consumer Protection, Division of Enforcement.

I'd like to thank everyone for being here today. As you know, we have two presentations on wet cleaning issues and three discussion groups scheduled. Wet cleaning is starting at 10:20, care symbols starting at 1 o'clock, and reasonable basis and other issues starting at 2:30.

I would like to make a few announcements before we turn to our first presenter on wet cleaning issues. Anyone that goes outside of the building without an FTC badge will be required to go through security prior to reentry into the conference area.

In the event of a fire or evacuation of the building, please leave the building in an orderly fashion. Once outside of the building, you need to orient yourself to New Jersey Avenue. Across from the FTC is the Georgetown Law Center, look to the right front sidewalk, that is our rallying point. Everyone will rally by floors and we need to have you check in with the person accounting for everyone in the conference area. In the event it is safer to remain

inside, you will be told where to go inside the building.

If you spot suspicious activity, please alert security.

This event will be webcast and transcribed for the rule-making record and may be photographed, videotaped or otherwise recorded. By participating in this event, you are agreeing that your image and anything that you say or submit may be posted indefinitely at FTC.gov or one of the Commission's publically available social media sites.

The restrooms are located near the elevators, to the left of the guard desk.

Moving on the substance of today, for each of our three discussion groups, we plan to allow at least 15 minutes for questions from the audience, including people viewing webcasts of the roundtable. We will provide a microphone to audience members who wish to comment or pose questions. Please identify yourself and your affiliation before posting a question or making a comment.

We will do our best to accommodate everyone who wishes to ask questions; however, it is possible that we will not have enough time for everyone to ask their questions.

We do intend to follow the schedule set forth in the agenda and to start and end each presentation and discussion group on time. I have to apologize, in advance, if we need to cut you off so that we can follow our schedule, provide others with a chance to speak, and to cover the many important topics on our agenda.

The comment period for this stage of the rule-making closes on April 11, 2014. Thus, everyone will have an opportunity to comment in writing on the roundtable discussions and to provide evidence that they believe the Commission should consider, even if they do not have a chance to ask a question today.

When the Commission published its notice of proposed rule-making, it advised that interested parties could request an opportunity to present their views orally. Only one commenter, Peter Sinsheimer, requested such an opportunity. Accordingly, we now turn the floor over to him for his presentation on wet cleaning.

MR. SINSHEIMER: Well, good morning. I accept the responsibility of being the trouble-maker for today.

So I'm happy that the Federal government is back up and running and is able now to host this round table. So this first session, this morning's session, focuses on should the FTC allow or require the use of a professional wet cleaning care label.

The FTC has developed clear criteria for determining whether a care label should be required, so my presentation is kind of designed to give background context at the beginning and then go into kind of the criterion and evidence associated with it. And I do have a slide presentation that's maybe -- oh, okay. Oh, this clicker, okay. Like this, perfect. Much easier. Thank you, very good.

So in terms of context, it's always good to start with the definitions. So these are the definitions that the FTC has for dry cleaning and professional wet cleaning. And if you look at the definition for dry cleaning, it's a process for cleaning apparel using any solvent, excluding water. And professional wet cleaning is a commercial process of cleaning apparel in water.

So clearly, this is a clear distinction of

different technologies here. And that professional wet cleaning is not dry cleaning, which kind of justifies why we are here today.

So in terms of environmental benefits, wet cleaning can be considered to be environmentally friendly, clearly professional wet cleaning is -- well, was actually brought to the United States by the EPA in order to -- because it was nontoxic, zero emission, presents no fire hazards, and it has been shown to be energy efficient. So this is just a chart kind of rank ordering different apparel cleaning technologies by environmental friendliness.

So now you may ask, well, what is professional wet cleaning? This is a flowchart of professional wet cleaning. Essentially, like many modern innovations, it all starts with a computer and adopting a computer to control an operation, in this case industrial laundry, being able to control water temperature, water level, mechanical action, in such a way as to kind of mimic hand-washing, but at a commercial scale.

So almost every industrial laundry manufacturer has equipment that can be designated as a wet clean washer. Over 50 percent of existing cleaners have industrial washers that can be used for

professional wet cleaning.

Also, detergent dispensing is the second step here. So there's automatic detergent dispensing that happens in wet cleaning. You could also manually dispense detergent in a professional wet cleaning process.

The second innovation in wet cleaning is really about chemistry and green chemistry, the development of surfactants that are able to clean delicate garments in water. And so there's a number of types of cleaning agents that have been developed.

So once garments are cleaned, they need to be dried. So in wet cleaning, there has been innovation with respect to moisture sensors that have been put into dryers to read the amount of moisture on the garment itself. Many wet cleaners also just use a simple time-dry and then take it out and air dry the remaining level, something you cannot do in dry cleaning, but it is certainly something you can do in a water-based process.

So finally finishing -- standard finishing used in professional wet cleaning. In addition, there's tensioning presses that block structured garments back into form. These are used if you are going to be using this process as a dedicated process.

So in terms of kind of an overview of commercial viability, in the year 2000, I was asked to evaluate the first set of perchloroethylene cleaners to convert to professional wet cleaning. The results of this evaluation were that these dry cleaners who switched to professional wet cleaning were able to clean the full range of garments that they had previously dry cleaned in wet cleaning. Over 99 percent of those garments they previously dry cleaned were effectively wet cleaned. They were able to do it at an operating cost that was actually lower than they had when they were dry cleaning and it was extremely energy efficient.

So these findings have been validated in additional studies. They've been shown to be consistent and generalizable with respect to different kinds of equipment models and different detergents, across geography, across time. So we've been doing a lot of work since the FTC last considered this in 1999.

Along the way, we've actually -- what's been developed is the profession of professional wet cleaning. A set of skills that go along with being able to clean these garments, quality control systems, expertise, this knowledge is easily transferred. Today we have a number of professional wet cleaners who have

been able to actually train other cleaners effectively in a switch.

So this experience and expertise that has been developed and can be used by apparel manufacturers in developing the reasonable basis for a new professional wet cleaning care label.

So with this kind of context, the question is, should the FTC require or allow the use of a new professional wet clean label. That is the topic of this morning. The FTC has developed a legal standard for this particular profession about whether to require a care label. And they have three criteria that they've listed here. And we're going to go over each of these three criteria and see what kind of reliable evidence there is to support each of these three.

So the first criterion is the failure to list the method prevalent. So just by way of kind of -- important to note here is that over 99 percent of garments that are effectively -- that are labeled dry clean or dry clean only are effectively wet cleaned. And also, it is important to note that, in the United States professional wet cleaning is not legal. So then we have to ask the question, what if the FTC allows -- doesn't require the use of a wet cleaning label?

So fortunately, we can answer that question

through a natural experiment, in that ISO developed a wet cleaning care label in 2007, so six years ago. So we can look into countries that have adopted this, which is throughout most of Europe, and ask the question, so how prevalent is the wet cleaning care label on the kind of garments that we're talking about here.

So we did an online survey of this and we looked at companies that sell online. We looked at ten companies in Great Britain and looked at all of the garments that they listed there. As you can see, at least -- there's a whole bunch that had a dry clean label and nine of the ten companies showed no labeling of a professional wet cleaning label. One did, but that was only for apparel that said do not dry clean. So they were being very selective in how they were using that label.

So that's the -- the first criterion is how prevalent is the lack of the label going to be. The second criterion is, is failure to list the label deceptive or unfair? Here, there is a series of criteria that the FTC has developed for what constitutes a deceptive practice and what constitutes an unfair practice. And as you can see, both -- I think I underlined the word consumer in both of those,

that this is really a question about deception or unfairness to consumers. So we felt that the best way to get the answer to that question was through a survey.

So we commissioned Harris to provide -- to conduct a survey of consumers in the United States, 2,000 respondents, a representative sample of U.S. consumers using professional cleaning services. And so the results of the survey -- this is the first question. So we asked -- the first question was, "When you see a garment that is labeled dry clean, what do you think it means?" So we gave four options. The least -- the option that was chosen least by people was "Don't know." So half of a percentage of people said they didn't know. So this gives a sense of, people thought they really knew the answer to this question.

So what answer did they actually give? 44 percent said that it was the only method for cleaning the garment, so that it was synonymous with "dry clean only." Half said that they thought that the dry clean label meant that it was the recommended method and 6 percent said that dry clean was one reliable method for cleaning the garment, but that other methods may also be appropriate.

The FTC defines a dry clean method as one

reliable method for cleaning the garment, but that other methods might be appropriate. This means that 6 percent of consumers had the same understanding as the FTC and 93 percent had a different understanding.

So put differently, a care label that says, "dry clean" is clearly misleading to 93 percent of the consumer respondents that we surveyed who use professional cleaning services.

So this means that the first two criteria for what constitutes a deceptive practice, so failure to list a professional wet cleaning label on the garment labeled dry clean, is very likely to mislead a reasonable consumer, that kind of has at least been demonstrated through the survey. You know, the question therefore is, is this important? Is this material -- that's the third criteria for deceptive practices.

So the next question we asked is, have they ever heard of professional wet cleaning. Four out of five said they hadn't. Not surprising, in that there's no professional wet cleaning care label and how else would they get that information.

So anticipating that, we provided them with a number of facts around professional wet cleaning. We defined it, as we had defined it before, that the US

EPA considers, you know, wet cleaning to be a nontoxic process and they encourage cleaners to switch to this, that university research has shown that cleaners can successfully clean the same range of garments at a comparable cost, and that the FTC was considering developing a care label, considering wet cleaning to be environmentally friendly. So these were all facts that we had already just discussed.

And the question then was, imagine you owned a garment labeled dry clean or professionally wet clean and the quality and the cost of the two cleaning methods were the same, which of the two professional cleaning methods would you prefer using for this garment?

So the answer to this question was that 55 percent said professional wet cleaning, 18 percent said dry cleaning, and the remainder weren't sure. So three times greater preference for wet cleaning over dry cleaning. That's material, that's important. That's the consumer's interest in this technology and the label and the meaning of the label.

So then the question is, okay, why? Which is -- we have to establish the why here. So we asked the question, how significant, if anything, if at all, is avoiding environmental or human health impacts of dry

cleaning? Is there a preference for wet cleaning? Here, 98 percent said that avoiding environmental and human health impacts was somewhat to very significant. So this shows actually that, you know, that the -- again the material importance of the deception -- the deceptive practice.

We then asked, if your cleaner doesn't have a service that does wet cleaning, would you be willing to switch to a cleaner? And here, over half said that they would be very willing and another 35 percent said that they would be somewhat willing to switch to a cleaner who can professionally wet clean a garment. Again, showing us that people not only have a preference, but are actually willing to act on that preference.

Finally, we asked -- we wanted to know, were the words important on the label. So which of the following -- so we asked the question -- these are the people that said that they would prefer the wet cleaning, so which of the following garment care labels were you more likely to want to professionally wet clean a garment. And here, 70 percent of consumer respondents expressing a preference for professional wet cleaning, adding the words professional wet cleaning to a dry clean care label, would make them

more likely to professional wet clean the garment. Or put differently, 70 percent of consumers would be less likely to professionally wet clean a garment if the words professional wet clean were not on the care label. And that is really what is at stake, in terms with respect to the impact of deceptive practice.

So here is just a summary of kind of where things stand, with respect to the reliable evidence that the FTC uses for deceptive practices of likely to mislead, that's pretty clear, with respect to that first question. That to a reasonable consumer, this is a representative sample of U.S. consumers, that is material. So strong preference for wet cleaning, based on values of avoiding environmental harm. And so extreme strong evidence for it showing that it would be a deceptive practice.

And then there's the unfair practice criteria, which is -- they lay out three particular criteria which is substantial injury to consumers, and that can include their desire to avoid environmental or human health harm, not outweighed by countervailing -- oh, sorry. So these are the criteria for unfair practices.

So substantial injury to consumers, not outweighed by countervailing benefits to the consumer,

or the customer, or competition here. There's no trade-offs where dry cleaning is more beneficial. And there's certainly not a benefit, in terms of increased competition, to avoid a wet clean care label, and which consumers themselves cannot reasonably avoid. That's where that 80 percent, that they have no idea what wet cleaning is, there are going to get their information from the care label. And so they are not going to be able to use other -- likely to use other information to avoid.

So the third criterion that they set out for requiring a label is that the requirement is appropriate and cost effective. So is requiring the label appropriate? Well, would it resolve the failure to label? Well, clearly it would, if you require it. Does it resolve deception or unfair practices? That's what I've just shown that it is certainly going to be -- it overcomes deception if, for garments that can be wet cleaned, the label is on -- wet cleaning is on the label.

So the third question has to do with cost effectiveness. So is it cost effective to require a label? So here, the best -- the highest quality of data to determine a wet cleaning care label is going to be from the expertise, experience and testing by

trained professional wet cleaners. These are people that live and breathe wet cleaning. They are trained in doing this and are extremely good at judging whether a garment can be successfully wet cleaned. And so they do this every day, as a daily practice. And they are able to -- for around 99 percent of garments, able to effectively use their expert judgment to determine.

I did a survey of wet cleaners to ask how much they would charge to do that service, to provide expert judgment, and I got a figure of 50 dollars per garment, which is probably comparable to the current cost of expert judgment that an apparel industry has to make.

I also asked if they needed to test the garment, how much they would charge, and that was around 100 dollars per item and that was extremely cost-effective and probably relatively similar to their internal costs. Certainly, it's lower than other estimates on external costs.

Now, cost can be easily -- this knowledge can be easily transferred to the apparel industry, about actually judging whether a garment can be wet cleaned. And so those costs can be internalized quickly by the apparel industry. And finally, cost savings are likely.

So professional wet cleaning is less expensive than dry cleaning, there is a reduced enforcement cost relative to other dry cleaning technologies, and reduced pollution remediation costs, which are pretty substantial in dry cleaning where you don't have that in wet cleaning.

So in all likelihood, over time, it is actually going to be less expensive if you require a wet cleaning care label.

So is it effective? Well, we just showed that it would be extremely effective, with respect to eliminating deceptive practice and unfair practices. So is it cost effective? Clearly, it would be extremely cost effective to require the use of a professional wet cleaning care label.

So finally -- so in sum, I mean, this is the reliable evidence that we've been able to collect, is that, based on the criteria that the FTC has spelled out for requiring a label, that the evidence is extremely high for the likelihood that failure to use a label will be prevalent, that failure to list the label will be deceptive and unfair, and that the, in terms of requiring the label is appropriate, absolutely. And certainly it is cost effective.

So overall, the overall decision here, I

think, is pretty clear. Often times in policy, there's tradeoffs and there are difficult decisions that have to be made with respect to one versus another. This, at least based on the reliable evidence here, this is actually a pretty easy decision to make.

So finally, before we conducted this research, this question about should the FTC allow or require the use of the wet cleaning care label, I think I was looking at that as the research question that I was -- that we were asked to address. I think, after conducting this research, I think that an appropriate question really is, what factors should the FTC consider making in making an efficient and effective transition to a rule requiring the use of a professional wet cleaning care label.

Thank you.

MR. FRISBY: Thank you, Peter. That was very informative. You did finish early actually, so we'll take a short break and Charles Riggs will be up to present at 9:50. Thanks very much.

(Whereupon, there was a brief recess.)

MR. FRISBY: We will now hear from our second presenter, Charles Riggs, from Texas Woman's University.

MR. RIGGS: Good morning. Peter didn't mention that this is probably a continuation of the October 1st meeting on the sidewalk. There were about a dozen of us here. No one from FTC or the government, of course, but we had some discussion.

FTC PERSONNEL: Sir, I apologize. Somebody left a wedding ring when they went through security. And if you did that, you should go out and grab it now. My wife would kill me if I didn't interrupt.

So it's a ladies wedding ring and whoever -- if somebody -- they also put a bracelet through and picked up the bracelet, but not the ring.

Okay, I'm sorry, sir.

MR. RIGGS: I would expect to see somebody leaving in a panic. Well, don't go home without it, right?

I've been involved in this industry, cleaning industry, for -- well, I guess I am now starting year 41 with the University. My background is in chemistry and that led to teaching in textiles and chemistry and I still do both. I am two people on campus, Professor of Textiles in one building and Professor of Chemistry in another building.

So we've had a long history, working initially with funding from the State of Texas, with

the look at how we help to promote the use of fibers grown in the State of Texas, which was cotton, wool, and mohair, primarily. Of course, in the cleaning process, that means laundering and dry cleaning, so we've been involved in both.

Still involved in both, for about 20 of those years, we had a plant on campus in which we actually did production work. Well, I didn't, but we had a staff that did production work, taking cleaning for a fee. And at the same time, under my direction, we would do controlled research studies, looking at different cleaning parameters for different kinds of fibers, both dry cleaning and laundering.

At one time, we had the current, most recent model of the wet cleaning machine and the newest model of a hydrocarbon dry cleaning machine and the newest model of a perchloroethylene dry cleaning machine. So we had a chance to do some very good comparative studies, backed up with laboratory test data, including a project funded by EPA, through Design for Environment, in partnership with North Carolina State University.

So I, at TWU, and Manfred Wentz, through NCSU, did a lot of data and we got involved in the wet cleaning process, actually not too long after the

Europeans began doing it. Wetcleaning is not new to the professional care industry. As far as I know, it goes back to at least 1940 and probably before that. Because you will look, and I'll show you to demonstrate, it was an essential part of the professional care industry, that is you could not just use solvents, you also had to use water. Wetcleaning was often practiced as a scrub board-type process as an adjunct to dry cleaning, in particular for certain kinds of soils and fabric combinations.

And that's what I want to address today, what are our limitations when we start looking at fabrics and soils and wet clean or dry clean.

So these are the care symbols that -- I think this is the ASTM set. And during that part of that time, I was also involved with -- this is ASTM D13, I served on that committee. This was also worked on, a little bit different symbols, in ISO 3758, and I was on that committee also. And then through AATCC, we activated RA43, which is the professional care test methods for American Association of Textile Chemists and Colorists. And Manfred Wentz and I, for a few years, rotated. He would chair for a period, I was secretary, and then we'd reverse roles.

So we would look heavily at the test methods.

At the 1999 roundtable, wet cleaning was discussed and, at that time, it wasn't a viable option even to allow the label because we didn't have a definition for it. Furthermore, we didn't have a test method. And rightly so, you needed both. So I was very much involved in that process, I think in many meetings, I was the only U.S. delegate there.

Through ISO 3175, part 4, was added, which is professional wet cleaning, ISO 3175, parts 2 and 3, I'll get the numbers reversed, one is for perchloroethylene cleaning, one is for hydrocarbon cleaning, and there may be other methods yet to be added, as we look at new solvents coming into the industry. But 3174 is where we work from a standardized definition and a backing up test method, so that method is there and that definition is there. And in fact, if you were to test for labels, the way to test the labels would not be to take it to the corner wet cleaner. It would need a test it according to ISO 3175, part 4, standardized test method. We were involved with Europe in doing the inter-laboratory correlations and you get results that do indeed correlate.

So I put these up here, I think it's probably going to come up during panel discussion, one of the

differences between ASTM, FTC rules, and the ISO is the use of this St. Andrew's cross. FTC requires a reasonable basis, ISO does not.

Okay, let me get to the heart of the subject. Here's a typical dry cleaning machine, front and back. It's quite different than what was used in the old days, which led to a lot of environmental pollution. These machines have no connection to the water, they are stand-alone machines. They have a steam connection, electrical connection, and everything is self-contained in the machine. All waste is removed from the machine in special containers, solvent is delivered and retained in the machine. The back of it contains filtering processes for cleaning the solvent and, in most cases, and certainly in the recommended cases, a distillation unit for purifying the solvent.

The wet cleaning machine looks pretty similar, except where you do have connections to water and sewer. Because of course, the water is what's used and the products removed in wet cleaning go to the sewer. Transfer to a dryer, and the dryer requires some special conditioning. The term wet cleaning has become now to mean this particular wet cleaning machine and drying process, as opposed to the dry cleaner using the scrub board to handle certain kinds of soils.

So I want to look at expectations for the cleaning process. If you're in the professional cleaning business, your customers have two major expectations. One is they want to get it clean. Is that better over there to the side? Is it picking up all right? All right. And at the same time, you want to avoid damage to the item.

So I wanted to look at those two factors and look at what happens in both water and solvents in determining soil removal and protecting the garment. For the dry cleaning process, well for any cleaning process, we've got two choices. Peter had this, I think, on a slide also. An aqueous solvent, using water -- now, I want to talk about the chemical nature of that. That's a molecule that is, we would describe it as being polar in nature. That is, if you look at the molecule from a chemical basis, there is a separation of positive and negative charges on that molecule, so it's polar.

The nonaqueous solvents are, for the most part, nonpolar. The ones most widely used would be petroleum or natural or synthetic petroleum solvents, tetrachlorethylene, that would also include silicone fluids, and I'm now seeing a number of new alternatives. I was exposed to one just recently,

dibutoxymethane, which looks like a very interesting solvent. But all of them have this characteristic of not being a polar molecule.

Now, let's go back to the damage situation for a minute. In solvent cleaning, one of the issues is odor retention. It's been solved primarily by newer techniques and newer machines for keeping the solvents clean and pure. There are some kinds of trims, especially polystyrene beads and sequins, that are solvent-sensitive that you would have to be cautious for and test for and perhaps label those to avoid certain types of solvents, perchloroethylene being the most aggressive.

In the case of water, the biggest issue we have is shrinkage. Loss of color is more prevalent in the water than it is in solvent and that loss of color could promote bleeding. It seems that a very popular fashion trend is to have contrasting dark and light fabrics in the same garment and that's a real issue when it comes to bleeding the dark color on to the lighter color. Black and white is a very fashionable look, it's also a very difficult look to clean.

And then we have some change in surface character typically with water. I seem to be stuck on the same slide. That wasn't the right button.

I want to look at this issue of shrinkage, which we find more common in water. There are actually two types of shrinkage we would deal with in textiles. One is relaxation shrinkage, and this comes from fabric that has been processed, usually wet, and in the processing, the fabric is stretched. It may, in fact, be in an elongated stretched state when you buy a new garment. Water is a very relaxing bath and we tend to find that that fiber that was elongated now relaxes and comes back to what would have been it's normal length, with the customer very happy about the change of one or two sizes in their garment. The warmer the water, the faster the relaxation.

Once you get this relaxation shrinkage relaxed back to the original length, then it stops and you would live with a stable fabric, that is unless you stretch it out again. I know my students on campus love their denim jeans to fit tight and they buy them tight. And when they wash them, they relax and they struggle to get them on. At the end of the day, they're elongated again and so they're nice and comfortable. But the next time it's washed, it relaxes again. So this could be a repeating process for tight-fitting garments. But if you buy something new and it's been elongated at the mill, you would observe

shrinkage in a brand new garment, not to anyone's fault except for the fact that the fabric was elongated.

The other type of shrinkage is progressive. This is we have something that the fiber is sensitive to and, once it is exposed to that, it causes the fiber to actually shorten in length. And this continues, for some fibers, on an indefinite basis. Wool being one of those that, you could start with a sweater and progressively shrink it to a tightly knotted ball. So part of our issue in the cleaning process is controlling these different types of shrinkage.

The other thing I want to look at are this whole process of getting things clean. You won't be a professional cleaner if you don't accomplish this goal of removing soils. Some soils simply require agitation. Think of sawdust, loose sand, you just shake it out of the fabric and it's gone. There are some soils which will dissolve in water and not much else is involved. And in fact, it's the chemistry that matches. You have a polar solvent and if the soil is polar, it tends to dissolve in that solvent and it's readily removed. So if we match them up, polar solvents to water, easily removed. Salts, sugars, blood, urine, most body fluids.

Nonpolar solvent -- or nonpolar soils, which

are things like oils, greases, fats, and waxes, are hard to remove in a polar solvent. So if you have water, you are going to have a very hard time getting out the oils, greases, fats, and waxes. So you add different kinds of detergents, which certainly help in the process.

The particulate soils, not soluble and they are going to come out, you know, with shaking. The stains we would classify as something different. These are chemically bound to the fabric and you must do some kind of a chemical treatment to reduce the color of this stain to make it either soluble or no longer showing its color characteristics.

Some stains are professionally removed before cleaning, some are removed after cleaning. Looks like I have to go through it twice, once with the remote and once with the -- so in terms of getting things clean, and what professional cleaners have known since 1940 and before, you need to match the chemistry to the soil.

So if you're a dry cleaner, you would have no problem with nonpolar soils. You would have a problem with the polar soils, that is, match the two up. If the soil readily dissolves in water, it's a problem in dry cleaning. If it readily dissolves in solvent, it's

a problem in washing.

So to give you a view ahead to the final statement, in our studies we found that you actually need access to both technologies. If you want to get a wide range of soils out, you need some water chemistry when you are doing dry cleaning with solvents. If you are doing wet cleaning, you need some solvent chemistry when you are wet cleaning with water.

And the professional cleaner would then rely upon their knowledge of soil type to do the appropriate thing for that particular type soil. Wetcleaning we would find just the opposite, no problem with polar soils. Our problem comes from the nonpolar soils. And we would have to add special detergents, emulsifiers, and so on, pre or post-spot to remove those oily soils, which could become an environmental issue. If you are pre-spotting in wet cleaning with a solvent and then you put that pre-spotted item into the wet cleaning machine, you have now added solvents to the water, which is not allowed or should not be allowed.

So again, you need a knowledge of soil type that is present to make a decision as to should you use water on this or should you use a solvent.

Okay, so I know in some of the news reports of this roundtable, they talk about wet cleaning as

being an environmentally-friendly process, which I'll address later, but let's look at the environmental issues with dry cleaning.

The process goes back to the 1800s. The initial quality of the solvent was poor, but still recycling was part of the standard practice. You would capture and reuse the solvent. But there was no method for disposing of dirty solvent or removed soils. So typically this was done, you know, wherever you could dump it. And at that time, it certainly was not illegal, so we had a lot of contaminated sites that we are now cleaning up where that was dumped on the ground or, heaven forbid, got into the waterway. But you know, some issues with now cleaning that up. Now, the risk is certainly minimized with the modern machines and the modern technology.

Problems water soluble soils removed by hand wet cleaning, probably go back to -- I can't document, but I'd say back into the 1800s probably. You would realize very quickly that some things coming in simply didn't come out in solvent. You need to treat them with water either before or after the process, it had to be done that way.

I wanted to show you this one. We found, in our studies comparing the three machines, the wet

cleaning machine, the perc machine and the hydrocarbon machine, and this was part of the international inter-laboratory correlations, we used an IWS, International Wool Secretariat, test fabric. And so here's the situation. You can take a wool fiber, and I'm talking about a fiber not a fabric, and you can elongate it. It will stretch. It doesn't recover very fast and it doesn't recover completely, so wool in fabrics quite often is elongated.

If you increase the humidity, you would speed up that recovery process. In addition, the fiber has scales. I think you can see the cross-section down there, that clearly shows the fiber, which are part of our issue with wool. When we expose wool to a combination of heat, moisture and agitation, which is what you would need to get clean using water, these fibers will migrate or withdraw towards the root end and then those scales can overlap and interlock and you can't re-extend them.

Also, the tip of the fiber becomes mobile and would intertangle with adjacent fibers and adjacent yarns in a process that we would call felting, which could be desirable, if you want to make a felt fabric. But if you have a sweater, you don't want to felt it in the cleaning process.

Here are some examples of some different animal hair fibers and some other fibers that would not be issues. But you can see, the coarser the texture of the scale, the more the problem you're going to have with that fiber shortening and not being able to recover.

Now what can happen with wet cleaning tensioning equipment is we can get some felting, we can stretch it out, but we've now replaced a fiber shrinkage issue with a relaxation issue. So the second time it comes back, it would relax and felt some more. The third time, we may not be able to tension it back. And that was our test criteria. ISO 3175 requires a three-cycle process to test for compatibility of wet cleaning.

So the history goes, traditional wool fabric, you would dry clean it. You had to be concerned about moisture levels and if it had soils that required a water solvent removal process, you would wet clean it by hand. In wet cleaning, you can do wool in a very mild detergent, minimal mechanical action. In fact, the wet cleaning cycle spends a tremendous amount of time in a soaking cycle and not much time in rotation and agitation, which means you get less mechanical action to remove the soil because you want to minimize

that to avoid the damage to the wool fabric.

You get some relaxation still and you can get some felting. You might recover that by elongation, but that's going to be progressive. Every time you do it, you're going to get more felting and less ability to elongate. So after multiple cleanings, you may lose the ability to wet clean it another time or it may begin to change in size uncontrollably. I apologize for these repeating. I'm not sure what's happening there.

Okay. There are some washable wool fabrics, which could be an industry trend, but it's been proposed for years and success has been limited. And the way you do that is actually change the character of the fiber. You can chemically remove some of the scale structure, but then you change the way it feels. And you could coat the scales with a finish, which also changes the way it feels and the way it would breathe.

So you know, to make wool more wet-cleanable, we would have issues in terms of hand of the fabric, degrading the durability of the fabric, and then the alkali found in most laundry detergents would also attack the wool protein.

So here's a summary. Again, back to dry cleaning, the current technology, no connection to the

sewer. So all solvents, soils, and additives are captured, filtered, distilled. The solvent is reused in the same machine, going through filtering and distillation steps. And if properly done, the reused solvent is as pure and clear as the new solvent would be. This is getting to be rather amazing. The current dry cleaning technology, with this reused technology, typically one gallon of solvent lost for every 1,000 pounds cleaned. That's a conservative number. I'm hearing from the people promoting this new solvent I mentioned, dibutoxymethane, that they are approaching 5,000 pounds per gallon. So where does this gallon go? You know, it's lost, but we talk about where it likely is.

In wet cleaning, we use water to remove those soluble soils and then the discharged soils and the detergents we need to handle the others are discharged to the sewer. And the ISO test method is based upon using water at a temperature of 85 to 104 degrees. And the total consumption -- in fact, the fabric to liquor ratio is specified 2.4 gallons of water per pound of fabric wet cleaned. So if you were to compare the two, you see that that 1,000 pounds of dry cleaning that uses a gallon of solvent would take 2,400 gallons of water. Back to it repeating.

So what's environmentally friendly? Washing, wet cleaning using water, which in some areas is becoming a precious commodity with droughts coming in. In particular, the water is primarily that that comes out of the drinking supply. They would discharge soils, detergents, and, if there's pre-spotting, solvents, perhaps, to the sewer. Dry-to-dry dry cleaning machines, actually it cleans and dries in the same machine, the soils and detergents are concentrated and then they are disposed of by licensed hazardous waste handlers. So you package the soils and detergents that you've used and removed into a small container and get rid of them.

I hope it -- it may not show it as gross as I would like for it to. This is the back of a dry cleaning machine. It's connected to a waste drum, which would normally not be opened, but is opened for taking the picture. And I think it's interesting to take students on a tour and show them this and they're all disgusted. This is coming out of the back of this dry cleaning machine. And they are all disgusted and think that's just a terrible thing to do. And then I point out to them, well, if you wash it or wet clean it, this is what goes in the sewer.

One particular plant I visited recently is

doing workwear from the oil fields, a combination of polar soils and nonpolar soils. A lot of grease from the drilling and a lot of perspiration and a lot of dirt. You've got all kinds of soils there, particulate and so on, so it's a problem for all technologies. If you use water, you're struggling with the oils and greases. If you use solvents, you're struggling with the perspiration. So what do they do?

Well, you could use an industrial laundry. And we work for that industry, too. In fact, we do more with that industry than we do in dry cleaning. Industrial laundries are actually prepared to handle this using water. I wouldn't call this wet cleaning, because this is extremely aggressive chemistry, high temperatures, and these laundries also have on-premise wastewater pretreatment facilities. So you know, it's a different type of regulation issue. That's one possibility.

That's a typical industrial laundry, workwear being sorted. This is not part of our labeling, but it's -- interestingly enough, ISO is wanting to put on industrial workwear care symbols, a whole other set of symbols that I think is unnecessary.

But here's an industrial washing machine. The process is that, once it's running, about 110

pounds every two minutes, tunnel washer, reuses the water.

Okay, here's another possibility that is being done in this small facility in which they have no access to industrial laundering. They are taking these dirty workwear and they are dry cleaning it with solvents the last run of the day. No additives added to it. It removes the oil, the grease, and most of the particulates and focuses it and concentrates it in that waste drum, so it's handled and goes to hazardous waste.

The next morning, they take the load that had been dry cleaned -- oh, I forgot to tell you that the solvent goes directly to distillation so the -- two minutes? It's purified and reused, okay? The next morning, they take these garments and wash them again, using regular detergent. The water soluble soils, the perspiration, and so on are removed that way. So it's called dual-phase cleaning. It used to be popular. The only issue with dual-phase cleaning is if you do the solvent cleaning first, which is the right way to do it, you need to be sure that you have removed the residual solvent before you go to the wet cleaning side, lest you run the risk of putting that in the water again.

So this is our topic for discussion. The circle W and the idea behind the ISO thought process, and also ASTM and everyone, was the circle would be the symbol to the consumer, professional care required. Take it to the professional. And then we, on some level, leave to the professional what they are trained to make the decision of, I need to use water on this or I need to use solvent on this, partly based upon the label and partly based upon what they see, in terms of the fabric structure and the soils on the garment.

PANEL ONE

MR. FRISBY: Thank you, Charles. That was also very informative. And now we are ready for our first discussion group to assemble up here. If you all could make your way to the tables, please?

Looks like everyone, except for Amanda. Let me start by introducing our group here at the tables.

First, we have Marie D'Avignon from the American Apparel and Footwear Association.

We have Ann Hargrove from the National Cleaners Association.

Adam Mansell from overseas, the UK Fashion and Textile Association.

Paul Matthai from the EPA.

Julie Mo from the Professional Wet Cleaners Association.

Joy Onasch from the University of Massachusetts, Toxics Use Reduction Institute.

Of course, our presenter, Charles Riggs, Professor at Texas Woman's University.

Mary Scalco from the Dry Cleaning and Laundry Institute.

And of course, our other presenter, Peter Sinsheimer from UCLA.

I'd just like to start by saying that I

understand that Peter is going to be providing his consumer study to the FTC so that we can look at it more closely. We appreciate that.

Before we get into the issues of deception and unfairness that Peter raised, I wanted to very briefly give all of the members of the discussion group just a minute or so, if they want to provide any general impressions about the presentations. If you to prefer to wait and comment when we get into the issues, that's fine today.

But why don't we start with the seven who did not present? We'll start and go alphabetically.

MS. D'AVIGNON: Sure. Hi, everyone. Thank you for having me today. I won't pretend that I'm a complete expert on the wet cleaning process. I represent the interests of the apparel companies who deal with the compliance of actually putting on a label on their products. So they need to know how to wash them or how to care for them, so they can share that information with the consumers. But again, I'm not a chemist so it goes a little bit above my head.

From the research I've done though, I do understand that wet cleaning can be an effective process and can have environmental benefits, so I think it would be great to consider it as an option for

cleaning, but I would like to underline the fact that I think that it should be only an option. Having it be required, that companies would have to test for it and have to consider it for their labels, I think is unnecessary at this point.

MR. FRISBY: Thank you. Ann, do you want to say anything?

MS. HARGROVE: Sure. I come at this from a different angle. I was a dry cleaner, a perc dry cleaner, and then I became a wet cleaner. And I ran the first 100 percent wet cleaning store in the country and I think it should be an adjunct. I really believe that, after working with the clothes -- and I understand where Peter is coming from, where he uses that figure of 99 percent, I do not agree at all. Not at all.

MR. FRISBY: Thank you. Adam.

MR. MANSELL: Just a couple of comments on Peter's presentation, particularly on the bit about the manufacturers and retailers not using the optional W symbol in the UK and Europe.

There are a number of reasons for that. One, very limited wet cleaning facilities, certainly in the UK. And secondly, although some of those people listed that slide are my members, I can pretty much guarantee

you that 99 percent of them weren't tested for anything. They put the dry cleaning symbol on there without testing for it. They wouldn't have put a bleaching symbol on there when bleaching can damage the garments.

My view is that the optional way is certainly the best way to go forward. I think requiring manufacturers and retailers to test absolutely everything will make it very difficult for those manufacturers and suppliers to -- there's a lot of additional cost in that.

MR. FRISBY: Thank you. Paul.

MR. MATTHAI: Yes, I'm Paul Matthai and I'm at the EPA. I work in the Pollution Prevention program and we look at mostly the toxicity and the risk for human health and environmental issues. I work across the Agency on regulations and I look at alternative options to put into regulations. For the Office of Air, which is a lot of the solvents, they try to regulate in terms of the emissions. I look at it in terms of, are there other ways to do that and reduce your emissions and also achieve environmental and human health reductions and exposures to toxic chemicals. And I'm look at both the -- at all the solvents and also the wet process.

MR. FRISBY: Great. Julie.

MS. MO: Please excuse my voice, I have laryngitis. We have been a dedicated professional wet cleaner since July of 2008 and we believe that a cleaning care label should be a mandatory requirement.

MR. FRISBY: All right. Joy.

MS. ONASCH: Joy Onasch with the Toxics Use Reduction Institute at U Mass Lowell. We have been working with dry cleaners across the state of Massachusetts to help convert them to dedicated wet cleaning. We have collected significant data and testimonials from those cleaners that I believe counter what Mr. Riggs presented and does show the environmental benefits of wet cleaning and, in fact, a significant reduction in the use of water at the facilities where we've collected data on their water use between perc usage and professional wet cleaning.

And also, not necessarily data collected, but significant testimonials to the health effects that have dramatically changed from perc usage to professional wet cleaning services. The testimonials with regards to headaches, ill feelings using the perc, compared.

So the fact that everything is collected from a perc machine just doesn't seem to hold up to those

testimonials.

MR. FRISBY: All right. Mary.

MS. SCALCO: Yes. I thank you again for having me. I certainly agree that wet cleaning on the care label should be an option. I don't think that particular requirement -- that that particular instruction should be required any more than any of the other possible care methods should be required. It's not required to put dry cleaning on the label, it's not required to put machine wash on the label. That is the purview of the -- the FTC care label rule doesn't require the manufacturer to do anything, but certainly wet cleaning now, at this point in time, back when we looked at this in the late eighties and early nineties, wet cleaning was not a viable option. It certainly is a viable option.

And I think those in the room that represent dry cleaning interests would tell you that most of the facilities have the capability of doing both and they use their professional judgment when it comes to it. If it's a garment, as Dr. Riggs said, imagine if you have a garment that you have a soil on it where you spilled something on it that doesn't come out in dry cleaning, you have to wet clean it. Otherwise, you cannot give it back to the consumer so that they can

wear it again.

The same way if you have something that says wash on it or wet clean on it, if it has a soil on there that does not come out in wet cleaning, the appropriate care method is dry cleaning. So having that option.

MR. FRISBY: All right. Peter, do you want to comment on Charles' presentation?

MR. SINSHEIMER: I had one on Charles' that I would like to pose to a professional wet cleaner. Julie has laryngitis, but there's other wet cleaners in the audience, so it depends -- so Julie could answer or other wet cleaners in the audience.

He mentioned this issue about repeated cleaning of wool garments and use of tensioning equipment that would cause damage. Based on your experience or expertise, what's your experience and expertise with respect to repeatedly cleaning wool garments using the full range of finishing and tensioning equipment?

MS. MO: With proper equipment and training, you shouldn't have an issue with those items. For us, when we feel, from our professional judgment, that an item should be measured beforehand, then we measure it and we double-check to make sure that there has not

been any shrinkage issues.

MS. SCALCO: I have -- I think what -- can I interrupt?

MR. FRISBY: Certainly, sure.

MS. SCALCO: Or can I ask a question? I think what Dr. Riggs was saying, and maybe you can attest to this, where you've cleaned that same garment three or four times, and after the fourth or fifth time, are you able to get it back to its shape. I understand that, the first time -- because I am also a textile chemist, so you know, we all get that fiber history and we understand how the fibers work.

I think that the question he pointed out was after repeated cleaning, over and over again, is that -- not only is it going to go back to the same shape, but is it going to have the same hand and feel and look to the garment.

MS. MO: Well, with any garment, over time you are going to have wear and tear as well. So with our system, we have had clients with us for years and they normally bring in the same garments repeatedly. We've had wool and cashmere and different types of garments that we've cleaned and, aside from the normal wear and tear that we see, we haven't had any major issues. Customers have not complained.

MR. FRISBY: All right. Thank you. Charles, do you want to comment on Peter's presentation briefly?

MR. RIGGS: No. I'll just comment on the ongoing discussion line. What we've found is, in wool garments, quite often there is -- in fact, the most common wool fabric out there is a 45 percent wool, 55 percent synthetic fiber blend. And that blend, the blending of the other fibers, disrupts that felting action so you could, in fact, do those blends repeatedly.

The IWS standard wool test fabric, which is what we use for evaluating the cleaning methods, we could not -- you know, it would show a change in surface character and it would show shrinkage that we could recover the first time, we could not the third time. And that's a recognized international test standard fabric.

MR. FRISBY: All right. Now, I'd like to go on to Peter's argument that the Commission should amend the rule to require a wet cleaning instruction to prevent deception and unfairness.

I'd like to start with the deception argument. And let's assume, for the sake of argument, that the dry clean instruction that the rule envisions is deceptive in some ways. If that's the case, why not

just amend the rule to correct the dry cleaning instruction? Anyone have any thoughts about that issue?

MR. RIGGS: I --

MS. SCALCO: I guess I don't understand your --

MR. FRISBY: Well, let me unpack it a little bit. If the problem with the dry cleaning instruction is that it implies falsely that the garment cannot be wet cleaned or home washed, is there a way to correct the dry clean instruction so it doesn't make any false implication about other types of cleaning methods? Is there a way to do that?

MR. RIGGS: Well, I think in general we have poor education about just exactly how the care label rule is constructed for the consumers. And I base this on 40 years of classroom experience with students who are majoring in the textiles area which, from a consumer standpoint, probably have a keener interest in the label than the average consumer. And they don't know until I have them in class that the requirement for the label is not all care procedures are required, not the best care procedure is required, a care procedure is required. That's all the requirement is.

So there's a difference between -- and they

don't realize this until I explain it to them, a label that says dry clean only when the only is a cautionary word that means you can't do anything else, versus a label that says dry cleaning, that says the manufacturer says you can dry clean this garment. It does not indicate that you might be able to wash it at home, you might be able to wet clean it.

It's my explanation to the students that it is basically only tested for dry cleaning or the reasonable basis may be because of a long history of success dry cleaning that particular fabric for years and years, that satisfies the reasonable basis requirement.

But you could argue that the whole care labeling procedure is deceptive, because we require a method. Not all methods, not the best method. You know, in a perfect world, I would like to see all labels required and then you have a full range of consumer knowledge, but that's unreasonable from a cost of testing garments basis.

So I think you either to require all or you keep it like it is, where the manufacturer chooses which one they want to list. They can't use the word only, unless they have a reasonable basis for excluding all others.

MR. FRISBY: Well, let me just throw out some hypothetical approaches. Let's say you have a label that says, "Can be dry cleaned, other methods not tested." I'm just throwing that out as an example, if anyone has a better suggestion of how the rule might be amended to address the deception that Peter --

MS. SCALCO: I guess where I'm confused is that deception also exists for home laundering. If it says machine wash on it, that doesn't mean you can't dry clean it. So you're deceptive in that regard just as easily.

I think I'm saying what Dr. Riggs said, the rule is structured to only give one method of care. That may not be the best, it may not be the most appropriate, it may not be the most environmentally-friendly, if you want to say environmentally-friendly. It only gives one method of care.

MR. FRISBY: Granted. But what I'm trying to get at is, is there a way to improve the rule so that the dry clean instruction does not deceive people in the way that the study suggested it did? And anyone have any ideas about how the rule might be amended to address that? I threw out one example.

MS. SCALCO: Well, you would require all

appropriate methods of care, whatever that is, to be on the label.

MR. FRISBY: But is that the only method of addressing the deception, is my question.

MR. RIGGS: I think the bigger deception that I see is the label hand-wash in cold water, which rarely gets anything clean. And in most cases, you can use machine wash in warm water, which doesn't -- so you know, the deception is not just with this dry clean, wet clean issue, it's across the entire subject of -- whatever the label is, it's not excluding the others, but it may be perceived that way from the consumer.

MR. FRISBY: Right, yeah. What I'm getting at is, is there a way to prevent that misconception from being in debate?

MS. D'AVIGNON: I would actually argue that it doesn't necessarily need to be addressed. Because the brand is -- or the brand, manufacturer, whoever, is offering up a recommendation of how they want this garment to be cared for doesn't necessarily mean that they are deceiving the customer, but perhaps that's -- you know, it's their prerogative, as a brand, to say that I want to sell my product as hand-wash only because I'm marketing it to people who are more likely to have lower income and want to wash things at home

and want to have an easier time about it. And as long as it's true, it can be washed at home, in a way that doesn't hurt the garment, it's the prerogative of that company to be able to make that decision.

At the same time, if it's maybe a higher-end company that wants to give off the brand image of being, well, we're very high-class and you should dry clean everything and give off that image, or if we want to say we're environmental-friendly and we want it wet cleaned and give off that image, it's the prerogative of the brand. As long as we are giving truthful information that's not going to harm the product, I don't see the point in addressing it.

MR. FRISBY: I want to move on to the unfairness issue in a moment, but before we do that, I want to get at this question another way.

The Federal Trade Commission Act prohibits deceptive practices regarding environmental claims, deceptive claims of environmental benefit, but it doesn't ordinarily require companies to tout the environmental benefits of their products. And I guess one question here is, why is wet cleaning different? And I'd like to just throw that question out to everyone on the panel, if they want to address it.

MS. SCALCO: Well, it's not any different. I

could sit here and argue that there are environmental benefits to dry cleaning in the current dry cleaning that there is today. There are new methods that are coming on that are environmentally-friendly, that's in a -- as Dr. Riggs' presentation showed, it's in a dry-to-dry, it's all done in the same machine. It's not environmentally hazard as it was to the old dry cleaning. In the old method, it was much like wet cleaning is today, where you transferred and you had a solvent going into the ground and there was that hazard.

So I could argue that it is environmentally-friendly and that wet cleaning is not any more environmentally-friendly than the current dry cleaning. I don't think you can paint all dry cleaning methods with the same brush. You can't say everything is the same.

And the industry -- and there are certainly manufacturers in here of new alternative solvents, that's why we're addressing that issue, that's why they came on the market. And I could not make that blanket statement, because I could easily say that wet cleaning, in certain facilities, could be just as environmentally damaging.

MR. FRISBY: Joy, did you want to jump in?

MS. ONASCH: Yeah, I think that that claim would work, as long as you looked at one certain aspect of environmentally-friendly. I'd like to remind you of the slide that Peter showed that had the color-coded comparison of different alternatives. And I believe that was adopted from San Francisco --

MR. SINSHEIMER: That's right.

MS. ONASCH: -- that does a range of comparisons. And my organization, TURI, has recently done and published a study, a full alternatives assessment on all of the different, including the new solvents on the market, and looked at it from many different perspectives, with human health, environmental, resource use, cost effectiveness, technical feasibility, and we came up with the same color-coding spread, if you will, that San Francisco did with regards to perc and NPB being the least environmentally-friendly across all of those measures, not just looking at one at a time. And NCO2 and professional wet cleaning being at the most green of those, with the other solvents falling somewhere in between. And I have a copy of our study, similar to San Francisco's, if anyone would like a copy.

MR. FRISBY: I think we are already segue -- oh, I'm sorry Peter, go ahead.

MR. SINSHEIMER: I just wanted to respond to your hypothetical.

MR. FRISBY: Yeah.

Mr. SINSHEIMER: So your hypothetical said, I think, that dry cleaning can be used, but other methods are not tested or something like this, right?

So you still have the word dry cleaning in that symbol, there's a lot of words in that for a care label, and that's where the whole problem lies, is that consumers aren't aware of professional wet cleaning, so you're not solving their problem by adding those additional words. Because it's the words professional -- in the survey that we did, it was adding the words professional wet cleaning was what -- if cleaners were interested in having that garment wet cleaned, it was those words that made them more likely to clean.

So your hypothetical doesn't really solve that particular problem and therefore the deception issue is still -- is there.

MR. FRISBY: Anyone want to respond to that before we move on to the unfairness argument, which we've already covered to some extent.

Seeing not, let's move on to the unfairness issue. And let's start with the benefits of requiring a wet cleaning instruction, which is one of the topics

that Peter addressed in detail and I think some of you already touched on that.

And why don't we start with the environmental benefits? One question I want to pose is, are there circumstances where dry cleaning is as good as wet cleaning? It sounds like some of you think that there are and I'd like to get views on that. Anyone over on this side want to --

MS. HARGROVE: You know, in Massachusetts, the DEP, basically what they did is they forbid -- they went around testing some of the wet cleaners. And when they tested the water, they found they were not spotting properly. They were using dry side chemicals and they were finding it in the water. So if you were on septic, you couldn't be a wet cleaner.

And I think that we have good wet cleaners out there and we have bad wet cleaners out there, but not every -- they're not the same and there's a whole educational process here. And I think -- I keep saying it, I think wet cleaning is wonderful and I think there's a place for it, but I think the place is as an adjunct.

MR. FRISBY: Anyone else want to weigh in on this point?

MS. ONASCH: Can you repose the question?

MR. FRISBY: Just whether there are situations or circumstances where dry cleaning is not environmentally inferior to wet cleaning.

MS. SCALCO: Well, I think that -- and you're going to get different perspectives depending on who you represent. I think that's why we have the technology that we have. The industry has moved forward in different technologies so it's all self-contained, we have different solvents, we have different methods. All of that takes place -- and again, I don't think you can just paint the brush that dry cleaning is all the same. As you said, there are different levels, depending upon different solvents, of what is environmentally friendly.

And so I don't -- I don't think I could sit here and say that there are cases where it is not and cases where there are.

MR. MATTHAI: I can expand on that a little bit. I'm not somebody that --

MR. FRISBY: Yes, please do.

MR. MATTHAI: I don't want to monopolize. So I think Mary's point is an interesting one, in that there are a range of dry cleaning solvents, some of which have other attributes that are favorable relative to other dry cleaning solvents.

So for example, perchloroethylene is not a combustible solvent, so if you are switching between perchloroethylene and hydrocarbon, which is a combustible solvent, that you could see there would be a trade-off between something that is clearly toxic and has been shown to be toxic, in perchloroethylene, and something that is a fire hazard. So within dry cleaning, there are various trade-offs.

Between dry cleaning and wet cleaning, I don't see those trade-offs at all. In fact, you know, there are intrinsic things about wet cleaning that just make it inherently environmentally preferable. Certainly the EPA brought over wet cleaning from Europe in the early 1990s because of this issue and has supported this, both with funding that we have received, that Joy has received, in order to promote the diffusion of the technology.

MS. SCALCO: But I think as Ann pointed out, there is chemistry that is involved with wet cleaning that you need that there could be an issue, that's why it's not allowed to go to certain septic systems.

I mean, depending on the -- this is an industry that is changing rapidly, and probably for the better, that allows all of these technologies to come on. But there is chemistry involved in all of this.

It's not just the use of water. If it was just the use of water, you could hand-wash it the way we used to do it.

But you're trying to take a wool garment -- so you put different chemicals in there. You put different spotting agents in there. So there is a whole level of training that needs to be done of the industry itself, not only of consumers. And consumers have no idea what wet cleaning is and I'm not sure that that matters whether it's on the label. If I got -- if I got consumers all together and said what is dry cleaning, I bet you they couldn't tell me what that was either. They just know they pay for that service, but they don't know what dry cleaning is either.

MR. FRISBY: All right. Paul, I think you wanted to --

MR. MATTHAI: Well, yeah. I was going to say to me -- to EPA there is two areas of interest. One of them is the environmental interest, and that breaks down into two areas. One of them is for wet processing that releases down the drain, whether it goes to the septic system or to a POTW. And the other one would be the releases into the environment through venting. And that wouldn't be mostly for the wet process, but that would be for the hydrocarbon compounds, okay.

Then there's the other side, which is the human health effects and then the environmental effects. So human health effects, probably the people that are the highest risk of any kind of impact to toxic exposures and risks to certain types of problems, are the workers in the dry industry. And then, to a secondary effect, people that are taking their cleaned clothes home, that are in plastic bags, and there is some off-gassing of some of the cleaners that are used, if there are solvents used.

So when you look at the big picture, the biggest risk is to the workers that are in the dry cleaners. And even in the wet cleaners, there is spotting, which can also have hydrocarbons in there which are something that we're looking at as well.

There's an interesting thing here though. Across the country, with California being first, that has already banned perc, there are other state governments that are looking at the opportunity to see if they can phase out certain types of processes to reduce environmental releases and also human health exposures. And I'm in the process of trying to figure out which states and where they are on that process.

I think the state of Illinois is looking at that or has already enacted legislation, I know they

are looking at the alternatives to perc. EPA, by the way, and I want to go on the record, is not going to ban perc in this industry. I've already been told that by the Office of Air. However, there is a TEC risk assessment out there and that does identify human health effects and it goes through the risk analysis on who is the highest exposures.

There is also stuff, in certain areas on off-gassing, depending on the facility. The facilities for this particular industry, if you realize, they are all over the place. There are some wealthy ones, there are ones that are just struggling along. They have brand new machines, they have old machines. So they are all -- they have a whole array of where they are out there.

So some of them are really clean, some of them are not, and a lot of them are in between and they're in the transition period of maybe upgrading their process. And maybe they're out there looking at it in terms of, we have to wait for legislation to go through to find out where we go. Or it could be, I'm just struggling and it doesn't matter to me where they're going, I'm just trying to make a living.

I also want to point out that I'm on a work committee, a work group, on alternatives to perc. One

of them is n-Propyl bromide or 1-Bromopropane, it's the same compound. And within the next six months to a year, the Agency will be releasing, for public comment, a risk assessment on NPB, 1-Bromopropane. Based on that, if it goes through -- and there are some major issues in there, of the three different sectors that we're looking at, dry cleaning is the second highest exposure. The biggest one is for foam blowing and then the last one would be for degreasing, mostly in the aerospace industry. But because it's such a large industry and they have opportunities for mechanical and equipment changes, that really reduces the exposure. But we are really focusing on the dry cleaners.

So with that, we have some ideas in mind. It may be that we ask the Office of Air to add 1-BP on to the HAP list, so that they might look at that as a regulations.

Anyway, it goes on and on and on. I don't want to take the entire panel up, but if there's anybody who has question to me, please ask me.

MR. FRISBY: Great. Let's go to Adam and then Ann on this point.

MR. MANSELL: Just a general point. I know it's a caution on thinking about environmental issues. What we are actually talking about here is how to best

clean a garment and care for a garment. If you want to start looking at the environmental performance of that, then you probably have to put do not tumble dry on all of your garments because the energy used for tumble dry is significant.

You also would then start to look at the washing performance at home. In Europe at the moment, we've got a massive problem with nonylphenol ethoxylates, a nasty chemical, coming off in domestic washing on imported textiles.

So you just need to be just -- I think you probably need to bring your focus little bit back to, it's about cleansing and caring for the garment. We all want to do the right thing for the environment, of course we do, but we need to make sure that we are also talking about what the consumers know and can do, and it's about cleansing and looking after the garment in this particular case.

MR. FRISBY: Thank you. Ann, you wanted to chime in?

MS. HARGROVE: Yeah. Again, it's a general comment. I've been involved with wet cleaning since the beginning here in the U.S. If it was without problems, if it was without problems for the garments, we would have thousands and thousands of wet cleaners.

We don't. I can give you the names of hundreds who are no longer in business.

I think there are issues with wet cleaning. There are people who are doing it successfully and they are doing it fine, but if you go back around and you look at their conveyors, go back into their stores a year later, you don't see a lot of suits unless they are the suits with the mixed blends that come out okay. But you don't see them.

When I do a wet cleaning class, I'm going to tell you what garment manufacturers, their clothes are going to get ruined in wet cleaning. And so it is -- you know, there are issues here with the labeling.

MR. FRISBY: Thank you. I think now we need to move on to our next issue. I wanted to spend a little bit of time to the financial cost to consumers for wet cleaning versus dry cleaning.

Peter alleged, or asserted in his presentation, that the costs were comparable to consumers. And we have a report that was submitted actually by Joy's organization which seems to have some differing figures on the cleaning costs the consumers would pay. The average cost per pound for wet cleaning was 1.10 dollars, but it was 1.02 dollars for perc and 88 cents for high-flash hydrocarbons.

And so I'm wondering if someone can reconcile these figures or if anyone has views on the costs that consumers would incur were they to do wet cleaning instead of dry cleaning?

MS. ONASCH: I can just address perhaps the reason for the differences may have been that different factors may have been included to come up with those costs per pound.

I recently collected data from a user in Massachusetts of each of the different alternatives and I can't remember -- again, I have the report with me, exactly the number per pound, but wet cleaning came out to be the lowest cost.

And also, I guess somewhat anecdotally, each of the eight wet cleaners that we have helped convert to dedicated wet cleaning in Massachusetts have not raised their prices to the consumers, but are in fact saving money on their monthly bills because of the reduce use of resources, water and electricity, and reduced payroll, reduced health costs. So the costs have come out of that. That may have been old information and slightly different parameters than what was considered in --

MR. FRISBY: Yeah. The figures I mentioned were from a report from June of 2012, so it is a couple

of years old. So you're saying more recent data is different?

MS. ONASCH: Yeah. I've collected even more recent data from the users of each of the different alternatives. And it actually can be found in the Massachusetts DEP guidance document for the dry cleaners of Massachusetts who are completing the Massachusetts environmental results program certification each year. We provide this guidance for them to look at the different alternatives and the data that has been collected from real live users of the alternatives.

MR. FRISBY: Does anyone else have data on prices consumers pay for the various services?

MR. RIGGS: I don't have data, I was going to make an observation that I would hate to design that study. My observation is that the prices charged vary not only by what technology they use to clean, but what's the price range of the garments they're cleaning.

In the high-end neighborhoods in Dallas, for example, cleaning costs more but the cleaners, in fact, are running a bigger liability risks when they clean those high-end garments. They may have a garment in there that is a 10,000 dollar garment. They're not

going to clean it for 80 cents a pound because there is a liability just for taking it in and agreeing to clean it.

So I can't imagine how you could do that kind of a comparison. You know, if you had some test garments, and we did, in fact, have some test garments in the laboratory correlations. I think we purchased, or Manfred Wentz purchased, 15,000 dollars worth of garments from Europe and we did all the same garments, but I don't recall any cost analysis done with that study. And of course, the cleaning was done with, you know, laboratory personnel rather than with labor wages.

MR. FRISBY: Julie, next.

MS. MO: Before we installed our professional wet cleaning system, we were using hydrocarbon and, at that time, we had our machines turned on for about four or five hours a day, three times a week, and our PG&E bill was about $800 a month.

When we installed our system, we have been using our system every day for about eight hours at least and on Saturdays we also have to turn on our system for about five to six hours, our PG&E bill is still under $800.

And our water bill, compared to then and now,

there is a 10 dollar difference. And our sales have increased six-fold and we have not changed our prices for our consumers. They are still paying the same prices that they have been paying us since July of 2008.

MR. FRISBY: Joy, did you want to --

MS. ONASCH: Yeah, I was just going to comment that, yes, of course, creating a study to account for all of the different variability and factors would be difficult. And that's why I think the testimonial of cleaners, like Julie and the cleaners that we worked with in Massachusetts, that compare what they did with perc and what they do now with wet cleaning and have not had to raise their prices and have excellent quality in their cleaning, is a study.

MR. FRISBY: Paul, did you want to --

MR. MATTHAI: Yes, I do. I actually want to ask a question. There are other costs associated with either process. And I'm wondering if, by going to the wet process, do you lower your occupational insurance costs because you are no longer being -- having your workers exposed to the high levels of the hydrocarbons that have human health issues, as opposed to the wet process? Or have you even thought about going back and renegotiating with your insurance company on that?

MS. MO: When we had asked our insurance company if they had a special rate because of that, they said that there is no special professional wet cleaning division for their insurance yet.

So the only other option would be to label us as a laundering facility, like a coin-operated laundry, but that's not what we are, so we have to pay the same price.

MS. SCALCO: And I would recommend anybody not doing that because your insurance costs will go up.

MR. FRISBY: I'd like to switch focus a bit and look at the potential costs to -- I'm sorry, Charles.

MR. RIGGS: Before you --

MR. FRISBY: I'm sorry.

MR. RIGGS: -- do, can I make a comment? Because I've seen a lot of these comparison studies done with an individual plant. And in every case, it's a matter of taking old, out-of-date equipment and replacing it with new.

So I've seen cost savings switching from one type of dry cleaning to another, cost savings switching from dry cleaning to wet cleaning, and quite often it is a matter of switching more than just the solvent, it is the whole technology involved in it.

An old dry cleaning machine, for example, probably used a water cooled condenser, which would consume a lot of water and the new one with the refrigerant wouldn't consume any.

So you know, the comparison of old to new is probably not a good way to do the cost comparison.

MR. FRISBY: All right. I think we need to move on to our next issue. If we have time later, we'll come back to this.

But I would like to talk about the potential cost to requiring a wet cleaning instruction. During Peter's presentation, he indicated that it might be possible to determine whether wet cleaning was possible for 50 dollars an item, unless testing is needed, in which case it was 100.

And I'm wondering if the rest of you have any data on this point or views about what costs requiring this instruction would entail for industry?

MS. SCALCO: Well, I'm assuming that if you are going to require testing, it would be the same sort of standardized testing that is required if you put a dry clean label on there or if you put a home washing label on there. It would be, as Dr. Riggs said, there are test methods designed that you test a garment per this method and you have to test it three times to make

-- whatever label you put on.

So I would assume you couldn't just take it to your -- you don't want to just take it to -- for dry cleaning, you don't take it to your dry cleaner to figure out if you can dry clean it. You have a standardized test method. For professional wet cleaning, if you want to put that on the label, I would think you would use that same sort of standard test method and you would have to go to a testing house, the same way you do with dry cleaning, and have it run that way or do it internally.

MR. RIGGS: ISO 3175.

MR. FRISBY: Right. Peter, yes?

MR. SINSHEIMER: Yeah, I just wanted to clarify because I had a half-hour and I was below my half-hour, which is kind of --

MR. FRISBY: You definitely were.

MR. SINSHEIMER: But I cut out a lot of detail so -- so I did a survey of the number of the professional wet cleaners about that question about could they -- about expert judgment.

So if they use their expert judgment, which can be used as a reasonable basis, experience and expertise, what would they charge. And included in that 50 dollar charge, we were very specific. I wanted

to share this with the FTC, in terms of the survey instrument that we used.

We said, well, you'd be given a checklist that includes ISOs essentially that specifies the kind of damage that you would anticipate happening with that garment. And then what they would do is the garment would be sent to them, they would observe the garment, and based on their experience and expertise, make the judgment.

They make that judgment every day. Julie will testify, other cleaners here will testify, every day there are new garments that come in and they make a judgment. And they are extremely good at making an expert judgment in whether the garment can be successfully wet cleaned.

So the idea is, use that experience and expertise that has been generated and the average cost we got was 50 dollars to just observe it. So reasonable basis, experience and expertise.

They could also test it, which is the three time -- so the idea here is we would use the same ISO methodology for testing three times through and then the same kind of checklist would be used.

So clearly, we want to be able to make sure that the standards are comparable to ISO with respect

to determining a reasonable basis. What makes the most sense to me would be to use the expertise and experience of 100 percent dedicated cleaners who have years of experience and expertise to make that judgment.

MS. SCALCO: If I could just add to that point?

MR. FRISBY: Yeah.

MS. SCALCO: Garment manufacturers also hire Dry Cleaning and Laundry Institute to make that reasonable basis and judgment, but as an association, I carry an awful lot of professional liability insurance. Because if I'm wrong in my professional judgment, that I refer to a garment manufacturer and something happens to that, that liability is on me. It's not on the garment manufacturer. So that's why I carry that insurance.

MR. FRISBY: Does anybody -- oh, over here, yeah. Adam.

MR. MANSELL: For no second am I questioning the ability of professional wet cleaners to professionally wet clean, but the same approach that you are suggesting, in terms of using a street wet cleaner to test a garment against 3175 or any other standard is a bit like asking me to take my shirts home

and stick them in my own washing machine to tell Hugo Boss whether they should have a 40 or 50 washing program on their shirts.

The test protocols and the test procedures are more than just making sure that you can wet clean it. You need to be able to make sure that if you're running the test in Nebraska, you have exactly the same conditions as if you were running it in North Carolina. The balance has got to be the same, the inlet water temperature has got to be the same. There's an awful lot of things in a test method procedure above and beyond what is done in a professional wet cleaners.

MR. FRISBY: Ann, did you want to add something here?

MS. HARGROVE: No.

MR. FRISBY: Oh, Marie. Yes.

MS. D'AVIGNON: Yeah. And I actually think Adam is making a great point. I would just add, in regards to the cost to the manufacturers who are making the decision as to what to put on their garment, currently in the FTC rules for reasonable basis, which I know we are going to discuss later, but there is an option for you can make your reasonable basis based on the industry expertise and experience you already have.

So in that case, if you want to say that

you've always said dry clean this garment, there's no cost at the moment versus if you want to say, well now you have to mandatory require a test for wet cleaning, it's going to go from zero to whatever that cost is, automatically, because there's a new requirement.

And eventually some companies, I'm sure, will decide that they want to move wet cleaning and they'll look at it. But in the short-run, we'd be putting a mandatory cost on companies that might not have any costs at the moment.

MR. FRISBY: Peter, yeah.

MR. SINSHEIMER: So I have a question. So to develop a reasonable basis, there's a list of ways one can do that. But in apparel, in theory, in the United States, you should be using one of those methods to make a judgment. That's got to -- there has to be some cost associated with that.

So somebody has to look at a new garment and say what care label should go on this garment. So I think it's a little -- now, in fact, it may be that they don't. And in Europe they don't, they don't have to, right? But they do in the United States.

So I think when you look at these costs, you know, there are internal costs the apparel industry has to pay, they can externalize that cost, is what I'm

recommending. And I also said that, you know, the Professional Wetcleaning Association that exists and has the ability to transfer that knowledge very rapidly to this industry, internalizing the costs, so that the apparel industry can make the same judgment that they should be making with every garment, in theory, to establish a reasonable basis.

MR. FRISBY: It sounds like some of you are questioning the 50 to 100 dollar cost estimate. I'm wondering if anyone has an estimate they'd like to offer of what this would actually cost in the real world?

Just let me start off by saying that Ann's group and Mary's group gave us some information in the rulemaking. They told us, in one of their earlier comments, that the average cost to provide appropriate and comprehensive washing, dry cleaning, and wet cleaning instructions would be under 1400 dollars. And I'm wondering -- that was a couple of years ago. I'm wondering if that is still a valid figure and what that actually pays for. Maybe Mary or Ann, one of you could address that?

MS. SCALCO: I will. I'd be happy to answer. What that would do, we would test the garment to all of those to standardized test procedures. We would --

MR. FRISBY: Is that the cost for each garment? That's the cost for each individual garment?

MS. SCALCO: That's the cost for -- well, it's not per individual garment. I mean, it's per whatever style they would send to us. So that translates into hundreds of thousands of garments, but it would be per each individual style, yes.

MR. FRISBY: Type of garment. So if the fabric changed or the other components changed, it might require another battery of testing.

MS. SCALCO: Now, if you use that same fabric and components across the board in five different styles, the same test method would apply.

MR. FRISBY: Well, how much of the 1400 dollars is wet cleaning? What percentage?

MS. SCALCO: It would be split evenly across the --

MR. FRISBY: About a third of that.

MS. SCALCO: Yeah.

MR. FRISBY: So that's a higher figure than what Peter was suggesting.

MS. SCALCO: As I said, I have liability insurance.

MR. RIGGS: Well, you also have test methods for actually standardized controlled conditions for

measuring shrinkage and strength changes and things that are not just a visual opinion.

MR. RIGGS: It's laboratory test method.

MS. SCALCO: Right.

MR. RIGGS: Part of the issue, I think, to a manufacturer would be what can change in product line and not have to retest it? You know, if you change colors, do you need to retest it? If you change trims, do you need to retest it? In some cases, the answer is yes.

You know, it may be specific to a particular construction color combination and if you make a change in that, you may need to retest it again.

MR. FRISBY: This is probably a tough question to answer, but if the Commission were to require a wet cleaning instruction, any sense of what that would entail for the cost of clothing that consumers would pay? Anyone have any thoughts about what the consequence would be?

AUDIENCE MEMBER: I have one. The one cost that hasn't been talked about --

MR. FRISBY: Can you hold on for one second for the microphone?

AUDIENCE MEMBER: The one cost that I could think of would be traveling to a dry cleaner that

hopefully has a wet clean only. I'm not sure how many in my home state are professional wet cleaners, but say there is six. The cost of gas, wear and tear on the vehicle to get to that cleaner, would be one cost.

MR. FRISBY: Any further thoughts about the cost side of the equation, what costs would result if the Commission required a wet cleaning instruction and implications or should we move on? Yeah, Charles.

MR. RIGGS: As I understand it, the way I would interpret it is we would not have to test for wet cleaning of anything that has a laundry instruction, because I think that's self-evident. If you can launder it, you can wet clean it.

So everything that currently is bearing a dry clean or dry clean only label would have to be tested for wet cleaning, if you required it. So things that currently are not having to be tested because they have a historical basis suddenly are going to have a testing cost.

And the label is going to become a dual label. It's going to have perhaps dry clean and wet clean or it may have wet clean with an X across it on every single one. So I think the cost is significant.

MR. FRISBY: Peter? Oh, I'm sorry. Paul and then --

MR. MATTHAI: I'd like to go back and ask one simple question, because this has opened up a whole new area that I have never been exposed to. Julie, when you go and do a professional judgment call on how to wash that, is that based on the label that says, this particular article of clothing has a blend of this, this, and this? Or is it based on that plus the color plus some other experiences that you've had? How do you make that judgment call?

MS. MO: Well, the production aspect of it, my husband and the other teams in the back know better, but from my experience, we do have to make a judgment call based on several factors. So it is, like you said, what the labeling entails. And sometimes the labeling is wrong because it says to do one thing, but you don't necessarily have to follow the label.

And a lot of consumers also tend to also clean their clothes at home these days, too, which goes against the dry clean only label. I have a lot of consumers that come in and they're so upset because they accidentally cleaned it at home or they tried to clean it at home and it shrank two inches. And they come in and ask us if we can recover it and we do, with our cleaning system and with our tensioning system.

MR. MATTHAI: Thank you. I just wanted to

get some concept because everybody here, except for me maybe, has an idea of what's going on. Again, I'm looking at toxicity issues as opposed to the process.

MS. SCALCO: Well generally, what you would do, if you had a garment and you don't know what to do -- say there was no care label on the garment and you had to decide what to do, you would definitely need a fiber content label because you need to know whether it is cotton, wool, silk, what that is.

And then, from years of experience, you'd know certain dyes do certain things. You know blacks do certain things. If it's a black and white together, you want to just say please take this somewhere else.

But you would look at the construction of the garment. You would see if there was interfacing in it. You would look at the buttons and see what the buttons look like or what the trims look like on any garment. Mens clothing is generally a little bit easier than female apparel, but that has its own set of challenges.

So fiber content you definitely need. Don't get rid of that label.

MR. MATTHAI: And that is part of the requirement for FTC, right? The fiber content on every article? Or is that --

MR. FRISBY: Actually, that's not a

requirement under the rule. It is under the textile rules, however. So often times, labels will have that information pursuant to the textile wools or the wool rules.

MR. MATTHAI: Thank you very much.

MR. FRISBY: Okay, I'd like -- yeah, Charles.

MR. RIGGS: Some of the students we train go out and they're buyers for retail chains and they leave with an arsenal of some tests they can do in the field. You know, the wet handkerchief or wet crocking and so on, but the underlying rule that they are taught is that these are preliminary screening tests. You send a sample to the lab for detailed testing under a standardized test method.

MR. FRISBY: Some of you -- I'm sorry. Joy, go on.

MS. ONASCH: No, I'm sorry.

MR. CHANG: Hello, my name is Augustine Chang. I think we are just looking at the cost of putting the label, but if you look at the other side, which is how much additional sales they will get, people who are staying away from dry clean only garments. How many of those are you going to collect if there is wet cleaning? Every thought about that? That's quite a lot of money you are leaving on the

table.

MR. FRISBY: I'd like to kind of close out of this topic by just making sure that everyone has had a chance to express their view on whether the Commission should, in fact, require a wet cleaning instruction. And some of you have already answered this question, either for or against, whether the cost -- whether the benefits exceed the cost or vice-versa. Anyone want to say anything more about, sort of, the bottom line, before we go on? That hasn't already had a chance?

MS. ONASCH: I guess sort of the cost to the people who are using wet cleaning, both from a marketing perspective and from a technical perspective, having that care label required on that garment allows them to have the confidence that the consumer is not going to be coming back at them if there's an issue, if they're doing professional wet cleaning. And it opens -- it allows them to market themselves as a professional wet cleaner, that the consumers are then going to be able to bring their garments to and have that differentiation between the other dry cleaners out there who are marketing themselves as green and using the other alternatives to perc.

MR. FRISBY: I'd like to move on now to the issue of the availability of wet cleaning to consumers.

I think that's been touched on already, but the label has little value to people if there are no wet cleaning services near them.

So I'd like to ask everyone if they have information about to what extent consumers actually have access to wet cleaning currently. Anne.

MS. HARGROVE: You know, years ago it was hard. And now, we have a lot of dry cleaners who have wonderful wet cleaning departments. And in there, they have -- you know, and they offer professional wet cleaning if need be, but they also have other machines, a hydrocarbon machine there, so they can choose which is the best one.

But I tried to get a number, how many wet cleaners there are there. So I started calling from a book that the EPA gave us in 1997, none of them were there. But when you go through the -- talk to equipment manufacturers, and you say, how many wet cleaners are there in Illinois, how many wet cleaners are there in Utah? The numbers are small, they're very small.

And again, if it was without any problem, we would have -- everybody would go for it, because it does -- the clothes get clean.

MR. FRISBY: Yeah --

MR. MATTHAI: I have a question on that. This is such a small business, compared to -- I mean, there are some that are fairly large, but most of them are very small and the cost of the machines are fairly expensive. My reading is that they run from anywhere from 45,000 to 85,000 dollars a piece. So are we looking at an emerging industry or one that is transitioning from primarily a hydrocarbon-based solvent based cleaner to one that has mixed or even going to the wet side, and we're starting to see the curve coming up now?

And maybe these companies are waiting for the machines to basically wear out before they have to replace them. And then we'll start to see an increase in the wet process.

MS. HARGROVE: Are you asking me that question?

MR. MATTHAI: I'm asking anybody that. Because whenever there is a transition from one technology to another, it starts out slow and then it goes over -- you know, it increases as one moves to the other. This may not be moving from one technology to the other, but there is certainly going to be a shared technology out there.

And are we starting to see the emergence of

companies like yours saying, a small dry cleaner, as soon as my machine wears out, I'm going to buy one that is a wet process as opposed to the solvent-based.

MS. HARGROVE: What I've seen is that, when their dry cleaning machine runs out, they buy a smaller hydrocarbon, or some other machine, and they have the wet cleaning piece of equipment in there. They have both and so they can do everything and not have a problem.

The most important thing here, and we can talk about care labels and we can talk about it all, but when that customer brings me a suit, he wants to pick up that suit or she wants to pick up that suit and she wants it to be perfect. She wants it to feel the same, she wants to look like a million bucks in it. And there are garments out there that, when you wet clean them, they don't feel the same.

And you know, there's all kinds of chemistry and there's all kinds of conditioners and you know what -- and I keep saying it, I love wet cleaning. But there are some limits, there are definitely limits. And you have to understand that and the consumer realize that.

So if you have a small hydrocarbon machine and you have a small -- and a nice, big wet cleaning

machine, that wet cleaning machine is going to work all day. And that solvent, whatever it is, you're going to do a certain amount of loads.

MR. MATTHAI: I do have a follow-up with that. Are there regional regulations, maybe it's in the city in an apartment building, where you have a first floor that is a dry cleaner and then you have an occupation above that, it's not --

MS. HARGROVE: That's --

MR. MATTHAI: And there are some regulations that say you can't use certain types of solvents in there. Is that an area that wet process is actually taking over?

MS. HARGROVE: Oh, absolutely.

MR. MATTHAI: So it could be regional or it could be, like, state-wide in California. And we also have to look at the trend from the state legislatures to find out if they are moving towards this wet process.

MS. SCALCO: But I think even in California, where they have essentially phased out the use of perc in the future, what is going in is not 100 percent wet cleaning, but it's alternative solvents.

I think what Ann was saying, and I think this is what we're seeing in the industry today, when we

first looked at wet cleaning, I forget when you said EPA brought it over here --

MR. MATTHAI: It wasn't me, so I don't know. I --

MS. SCALCO: There was no 100 percent wet cleaners -- there's not a lot of 100 percent wet cleaners today. There are a lot of dry cleaning establishments that offer solvent cleaning and professional wet cleaning and I think that's what we're seeing.

So when people, like in California where people have to -- they are forced to replace their perc solvent equipment, they are moving to other solvent equipment. They also have an adjunct of professional wet cleaning. And I think that is a perfect -- that is the new model of what dry cleaning will be.

Because as Ann said, the consumer brings the garment in, they don't care what you do to it, they just want it cleaned, pressed, and ready to wear the next time they pull it out of their closet.

MR. SINSHEIMER: Question and a comment. So Mary, around what percentage would you say of existing professional cleaners out there are able to do wet cleaning?

MS. SCALCO: Professional wet cleaning?

MR. SINSHEIMER: Yeah.

MS. SCALCO: I don't have the data on that.

MR. SINSHEIMER: Okay.

MS. SCALCO: But I would say a majority. I would not say it's 10 percent.

MR. SINSHEIMER: So that whole comment is -- so my comment was, on the issue about availability, clearly there is a chicken-and-the-egg argument here. If the wet cleaning care label is not on the garment, you know, that is an enormous barrier to the diffusion, as Joy was saying.

In California, we host workshops for dry cleaners interested in professional wet cleaning and that is an enormous barrier, when they are looking at the technology and then, well, did the garment say dry clean on it? So you know, that label itself is an enormous barrier to diffusion.

So it's a little bit unfair when you say, well, what's the availability of 100 percent wet cleaning as a whole, because you yourself are creating the barrier to the question that you're asking.

MR. FRISBY: Charles.

MR. RIGGS: Yeah. I can only think of a few 100 percent wet cleaners that are no longer in business. That seems to be a trend.

But what I do see a lot of, and Paul I might pick on you --

MR. MATTHAI: Of course, the best one to pick on.

MR. RIGGS: I would guess from what you're wearing -- well, it may be a good example because I would assume, the way you are dressed, that your suit and your shirt were both done professionally.

MR. MATTHAI: Actually, it's brand new. So I usually don't dress this nicely.

MR. RIGGS: Well, that's another thing. That's another option, just replace things with new items and you don't have to clean them regardless.

But my point would be that, you know, a businessman dressed like you are, with a pressed shirt and a nice suit, would take that out professionally, probably to one business, and it probably has the label dry cleaning on the door. And you don't know what they do to the shirt versus the suit. They are going to clean the suit, probably in solvent, and they are going to clean the shirt in water.

And the machine that they use to clean the shirt in water, my recommendation would be eventually you replace that machine with a wet cleaning machine, which gives you, with the program change, you can do

shirts or you can do some items wet cleaned.

So I think the trend is, and our recommendation is, you need both technologies. And to control both technologies, you need two machines. If you try to do wet cleaning 100 percent, and you're spotting with solvents, you are causing an environmental issue. If you try to do 100 percent dry cleaning and you don't have any availability to do anything in water at all, you're not getting all the things clean.

MR. MATTHAI: Well, here's the issue. I do take it to what is termed the green dry cleaner or a green cleaner. There's a lot of shades of green. There's a whole array. I mean, I think they have more shades of green in the environmental part than they actually have in Ireland.

So the big issue is that how green is green? And there really isn't a definition on that, and that's one of the unfortunate things. So no one knows what it is, but it's a marketing technique that people use to pull in their customers.

So at one point or another, it would be nice if we could figure out how to label this in such a way that it would be -- that both could use it because there will be a transition across the country. The

State of California has already there, they've banned perc. There may be additional compounds coming down the road that they make take up in later years.

There are other states that might be also entertaining the idea of changing from perc, at least limiting perc, and maybe some of the other hydrocarbons, and N-propyl bromide being one of them. And I know that the State of California has done that in a way. They didn't say you could eliminate it, but they set the level so low that you literally can't use it in your process.

MR. FRISBY: We need to move on, but there may be time to come back to this later.

I next wanted to turn briefly to the question of consumer awareness. And Peter did address this during his talk and had some data from the study on this, but I'm wondering if anyone else has data on to what extent consumers are aware of wet cleaning and what the implications of that are for us. Anyone? Yeah, Adam.

MR. MANSELL: If I could just share a story, I guess. Irrespective of whether you make it optional or mandatory for the W, bear in mind that the consumer comprehension of virtually all care symbols is appalling. And frankly, we do a lot better use of all

of our time if we spent all of our time talking to consumers about what the care labels meant.

We recently did a survey in the UK of about 10,000 consumers, asking them what the symbols meant. The only two that they knew anything about was the washtub and the iron. When we showed them the P in a circle, 60 percent of the respondents said, doesn't that mean parking?

MR. FRISBY: Well, that will be a great issue for our next panel. Definitely.

Anyone else have thoughts on this topic, awareness? No.

All right. I'd like to turn next to the Commission's proposal to permit a wet cleaning instruction in the content of that instruction. A number of the commenters took issue with the instruction the Commission put out. I'd like to get people's comments about, in particular, the need for the word professional to appear before the word wet clean. Anyone want to take that one on?

MS. SCALCO: Well, I think you were trying to mirror dry clean and that, dry cleaning, we all know because of historic, that that's professional, but I think you would want to put professionally wet clean so that people realize it's the same thing, you have to

take it to a professional to do. It's not something you can do at home.

MR. FRISBY: Yes, Charles.

MR. RIGGS: The trend is wanting to move towards the symbols and the symbol from the very beginning was the circle for professional care and then W was the circle, W for wet cleaning, and a circle P or F, whatever, for dry cleaning.

If you convert that to words, I think you've got to relay the meaning that the circle is there and use the word professional.

MR. FRISBY: Joy, did you want to comment?

MS. ONASCH: Yeah, just that I concur. I think it's important to have the word professional there, even amongst dry cleaners understanding. Nevermind what consumers understand about the difference, there's a large gap between what people understand with what professional wet cleaning is and regular wet cleaning or laundry.

MR. FRISBY: Adam, did you want to say anything?

MR. MANSELL: I would echo what everyone else has said so far. The circle means professional cleaning.

Mr. MATTHAI: Could you use both,

professional and the symbol right next to it? So people get the idea that one is related to the other.

MR. FRISBY: Yeah, that's always an option. Yeah. And on many labels, we will have a symbol and a written instruction.

What about abbreviating the word professional? Is that something that would work, do you think, or not?

MR. RIGGS: Why?

MR. FRISBY: To make it a smaller label, I'm just throwing it out there.

MS. SCALCO: I don't think that's going to work --

MR. FRISBY: Not going to work?

MS. SCALCO: You could try.

MR. FRISBY: Is that the only thing that we would need to do to address problem? Is there any other information that the label should provide, beyond professional --

MR. RIGGS: I think clearly we are talking about a care method that is not a do-at-home method. And we want to discourage anyone from trying to do it at home because they're going to fail.

MR. FRISBY: Do you think the word professional accomplishes that objective?

MR. RIGGS: Well, if they do it at home, they do it at their own risk. They can't go back to the manufacturer and say I did this at home and it shrunk. The manufacturer is going to say, that's not what I told you to do.

MR. FRISBY: Anyone else have any thoughts on this? Over on this side?

All right. Well, I think at this point we'd like to open up the floor to questions from the audience. And we have a roving microphone, so if you'd wait for the microphone. We'd appreciate it if you would identify yourself and your affiliation, if you could.

MR. QUDDUS: My name is Mir Quddus, I am representing this question, from my professional background. I am a textile chemist and a polymer scientist, so I would address this question from that standpoint.

I heard a lot of discussions about how this care label is addressed. I heard the discussion about fiber type, fiber content, finish I didn't hear at all, I heard about -- I didn't hear about -- I heard the soil, a little bit of type, which could be removed by water or it could be removed by a solvent. I heard about environment testing ability and the cost. I

heard the cost about cleaning these garments. Care issues came out also, shrinkage, dye bleeding, you know, all those things were discussed.

But I am almost, you know, in Paul's shoes, starting to think about what is the real intent of this care label? Is it to satisfy in making sure that the garment goes to the right professional hands? Or is it that the customers get an education, which we know customers don't give a damn in terms of understanding, so is that the intent?

I do know, from the backend of the spectrum, that if we talk about fiber content, the FTC allows 5 percent of anything can be used not to be declared, that could be 5 percent of Spandex, which could throw this whole thing off. And then the fabrics can have finishes. That actually is the game-changer for everything that is going on and you cannot see it by your naked eyes, when you are trying to be the judge and say that it is a cotton versus polyester versus this-and-that. You will not know and that can throw you off to all of those things.

So my question is this, you know, what is the true intent of this care label?

MR. FRISBY: I'll take that one. The Commission, when they promulgated the rule, the

objective was to prevent deception and unfairness. And the Commission concluded that it was unfair or deceptive not to let the consumer know a method to clean the garment safely and effectively. And the rule was designed to address that deception and unfairness. That's what the Commission did back in the seventies.

As far as fiber content goes, let me just add one more thing. The Commission's proposal to permit a wet cleaning instruction also provides that the label should disclose the fiber content, if the fiber content is needed to wet clean effectively and safely. So that's part of the proposal that the Commission put forward.

Does anyone else at the table want to comment on his question?

MR. RIGGS: You sent me -- and there was a recent change or proposed change in the fiber content rulings? Rules?

MR. FRISBY: The Commission recently voted to amend the Textile Rule on this.

MR. RIGGS: That's right. So that indirectly impacts on the label. But what you point out is very valid point, the finishes you can't see and they certainly make a difference. I've seen 100 percent cotton suits say dry clean only for a good reason,

because of the finish, so yeah. But that's covered no where in either rules.

MR. FRISBY: Any more questions from the audience?

MR. TRUMBULL: I'm David Trumbull, I'm a consultant to the textile industry. Actually, it's not a question, it's an observation as a consumer. And I'm not the average consumer, I'm more familiar with these rules than they would be.

If I saw wet cleaning, I would assume that meant I could put it in the laundry machine at home. And to the point of professional being abbreviated, I'm thinking, on a small label, a lowercase o and a lowercase e look alike. I would see preferably wet clean and that would be that I could preferably throw it in the washing machine.

MR. FRISBY: Do you think the word professional would work?

MR. TRUMBULL: But professional, fully spelled out, would.

MR. FRISBY: Any other questions? Over there, yes, in the front row.

MS. NORBURY: Hi, I'm Jenn Norbury from Bureau Veritas, an independent testing lab. Actually, I have two questions. One is, when you're talking

about testing costs, the reality of the testing industry right now is the testing is done in the country where the goods are manufactured and the majority of goods are manufactured in Asia. So what is the availability of wet cleaning equipment, facilities, in Asia at this time?

MR. FRISBY: Anyone want to take that one?

MR. RIGGS: Well, if it's a testing lab using the standard front-load FOM washing machine, that can be programmed to do wet cleaning. So they probably have a machine that, with the right program, and then they'd have to get the right chemicals, as shown in 3175. They probably have the right machine. They may not have been doing those tests, so it's probably a matter of that lab becoming familiar with how to program their FOM machine to do 3175 testing.

MS. NORBURY: Well, that's going to vary from lab-to-lab.

MR. RIGGS: Yes.

MS. NORBURY: You know, from one testing company to another, and also from different countries, from one to another. You know, in small labs versus larger labs.

So I would envision that, initially, a lot of labs would want to outsource the wet cleaning and do

training with the wet cleaner to follow the test methods, you know, whatever methods are developed at the AATCC. So that's just something to keep in mind when you're talking about testing cost. It really depends on where that testing can be done.

MR. RIGGS: I don't think AATCC is looking at this. You know, we deactivated RA-483, which would be the professional care test methods branch and it's not been active for some time. And that would be the AATCC subcommittee that would do that. I think they've just adopted the, you know, follow the ISO 3175.

MS. NORBURY: I know we do have some representatives here from AATCC who can, you know, talk about that.

But my other -- let me just ask my other question and then I'll pass the mic. My other question is, Ann, you had mentioned that there are problems with wet cleaning and you eluded to the change in hand. What are the other issues? I mean, because what I'm thinking, you know, down the line, if this does become, you know, allowable in the U.S., the labs -- we do base -- if a client just comes to us and says, okay, develop a care label, we base it on, what's the fiber content, what's the construction, the colors, et cetera. Labs will need to know what things do work and don't work in

wet cleaning.

MS. HARGROVE: You know, some of the structured garments can be a problem with the interfacing, trim, buttons, shrinkage. Color loss is huge right now. We keep talking about those black and whites and those black and whites.

And you know, I have used just about every detergent, every conditioner, every sizing, every wet cleaning machine out there and certain -- it doesn't matter which one you use, if it's a bleeder, it's a bleeder. And there's -- you've got to figure out how you are going to unfix it. And so it's part of the problem, you know.

And as far as wet cleaners out there, somebody had mentioned earlier, we're training them. NCA, DLI, we train them. We train a lot of wet cleaners who are dry cleaners. So there are people out there.

But that's, you know -- you've just go to -- when you -- like when you get a garment, you've got to look at, is the lining -- what fabric is the lining? What is the structure of the garment? And you know, there are times when you're taking that ruler out and you're doing a lot of measuring. Because most -- these are small business people and they want to keep their

customers. You don't want to lose your customers, you know? And so you want to give them back something that works for them.

MR. FRISBY: Joy, did you want to --

MS. ONASCH: Yeah, I just want to comment, just providing testimony from the cleaners that we worked with in Massachusetts that they don't have any of these issues with the inseams or the buttons or -- in fact, sequins and embellishments come out much better with wet cleaning.

Cleaners -- we've now worked to help convert eight dedicated wet cleaners in Massachusetts and they've all said that the whites come out whiter and the brights come out brighter because there is not the reused solvent in the process to help the clothes come out clean. And once they become very skilled with the process, they don't have these issues.

And this is with modern 2014 technology and perhaps not older technology that has been noted in the past.

MS. HARGROVE: I'm doing the training class next week. I do them all the time. But what we -- NCA and DLI and I have -- we have analysis departments. And what I see coming through the analysis department are the shrinkage, the bleeding. Not just things that

I'm doing, from a whole array of people.

And maybe it's the type of garments they have. You know, we do a lot of high-end stuff, the Prada. Pradas aren't meant to be wet cleaned. Anything Prada is not meant to be wet cleaned. And it's hard enough to get Prada, I hope they're not in here, it's hard enough to get Prada to back-up what they -- the dry cleaned stuff. But the wet cleaning stuff, they won't even look at you.

MR. FRISBY: Okay. I think we need to move on to the next question.

MR. RIGGS: It is being recorded, Ann.

MS. HARGROVE: I'm sorry.

MR. RIGGS: I think you said the same thing I said earlier is, you know, whether or not you are successful in wet cleaning depends a lot on what market you're operating in.

MS. HARGROVE: Yeah.

MR. RIGGS: You know, if you're in a high-end market, that's a dangerous venture, both in terms of liability and technology.

MR. FRISBY: All right. I think we have a question from the Twitter feed. I have one here actually, but is there one back there? Microphone to the back, please.

MR. GORMAN: Hi, Frank Gorman. I'm also with the FTC. Peter's consumer perception survey raises an interesting issue for us. The purpose of the label is to prevent deception and unfair practices. If the label itself is deceptive, because people understand dry clean to mean essentially dry clean only, we need to address that. And we'll obviously look at the data provided by Dr. Sinsheimer.

And there are two ways I can think of to address it. One is to require the label to list all possible methods, and there are some significant costs involved with that. The other way is to come up with some sort of disclaimer language that would make it clear that dry clean means that dry cleaning is one possible method of cleaning that has been tested and that will work, but that it does not necessarily mean that there aren't other methods that could work. That's too many words.

So my question for the panel and the audience is, because this is something that we're going to need to address and we need a record to address it, what should we do? Is there -- and this is something that you can submit later in comments as well, is there language that you think, disclaimer language, that you think would be useful, if we are not going to go with

just every possible method approach?

MR. FRISBY: Mary, did you want to start?

MS. SCALCO: I think you already addressed that in the care labeling rule. Because the care labeling rule itself only requires one method of appropriate care. If dry clean is just on the label, that could maybe be hand-wash, that could maybe be wet cleaned.

MR. GORMAN: Well --

MS. SCALCO: If laundering is on the care label, that maybe could be dry cleaned or may be wet cleaned. So that label is just as deceptive as the dry clean label.

MR. GORMAN: Possibly, we don't have the testing on that.

MS. SCALCO: Right. I can guarantee it.

MR. GORMAN: The problem is, consumers don't read the rule, they read the label.

MS. SCALCO: I understand that, so you --

MR. GORMAN: So the label has to accurately convey and non-deceptively convey information to them. And if there is testing that shows that the rule, as currently written, requires a label that deceives consumers, that's a problem we need to address.

MS. SCALCO: Well, I'm sure he asked his

consumers that same question.

MR. FRISBY: Peter, do you want to --

MR. SINSHEIMER: I can try to address part of that question or at least the scope of what I was being asked of us to consider for the roundtable, as well as for this rule, had to do with whether it would be deceptive not to put the wet cleaning label on. So you've limited the scope and now you're increasing the scope.

But that said, if you go back to your own logic in the 2000 rule, there was a logic that I disagreed with, but it was your logic, so. About -- the question at that time was, should you require a home laundry label, right? And so most -- the survey that I did was very similar to Procter and Gamble and Clorox's, with respect to the issue of what a dry clean label meant.

The logic, at least to the FTC, said that most people, I think that same survey showed that over half of people home laundered a garment that was labeled dry clean. And so because of that, because there is a historical understanding about dry cleaning and about home laundering, and everybody knows what home laundering is, 100 percent of people know what home laundering is, so you don't have any kind of

problem with information. People know what home laundry is. And if half of the people who were surveyed at one time have home laundered under a label that was dry clean, then your logic was therefore, you know, you don't have this problem with deception because people have an understanding that has been passed down historically about what you can and can't do in home laundry, even if it says dry clean, even if most people misperceive what the dry clean label meant.

So that's your logic. Now, that's one way to get out of your conundrum. At least for home laundry, people kind of know what that is. People don't know what wet cleaning is, so at least the survey that I had done, the results therein would say that if you require the wet clean label, you're overcoming the deception just because it is going to be on every garment that can be wet cleaned.

MS. SCALCO: But I don't think that was your question. Your question was, if there is just one care method on the label, is that deceptive to the consumer because other care methods could be appropriate for that garment? Yes.

MR. FRISBY: I do have one question from the Twitter feed earlier which I'll get to now. The question is, what does the FTC think dry clean only

means?

And let me answer that by saying that, under the rule, to provide a label that says dry clean only, the manufacturer must have a reasonable basis to believe that dry cleaning is a safe and effective method of cleaning the garment and that other methods are not. That's what that means under the rule and hopefully that's what it means to consumers.

Any other questions from the audience? I see a couple of hands.

MS. SOPCICH: I have a question about what you were just talking about. So I understood, the way your are promulgating the new rule, to mean that you were going to do away with the need for the term only, dry clean only, because once professional wet cleaning is accepted as a method of care, then you have two professional methods of care, which changes the consumer understanding of that term. If you remove it for the sake of the law, because there's another professional method, it doesn't protect the consumer.

So my question is, you know, given that we all understand that consumers do not understand professional cleaning labels in general, like they do home laundry, you know, how can we protect the consumer in the event of a professional care method if you

remove dry clean only, because there's another method of care allowed? Isn't there a commensurate requirement to say do not wash or protect the consumer from misunderstanding?

MR. FRISBY: That's a great question. The Commission's proposal contemplated the use of dry clean only in the future, but only if wet cleaning is not a safe and effective method. So it would require information about that, to provide that warning, going forward.

MR. RIGGS: So I think you're saying if wet cleaning were required, the dry clean only would be replaced by a label that had a dry cleaning instruction and a do not wet clean instruction?

MR. FRISBY: Well, the rule would not require that.

MR. RIGGS: Well, that would be the equivalent. If you required a wet clean instruction and it couldn't be wet cleaned, then you'd have dry clean --

MR. FRISBY: The Commission hasn't proposed doing that.

MR. RIGGS: Okay.

MR. FRISBY: The Commission has proposed permitting one.

MR. RIGGS: Yeah.

MR. FRISBY: And so the warning that she's talking about could still be made, if there was a reasonable basis to believe the wet cleaning was not safe and effective.

MR. RIGGS: So you'd use dry clean only.

MR. FRISBY: You could say that, if that were the case.

MR. RIGGS: Yes.

MS. SOPCICH: But you can only say that if you paid to do the testing.

MR. FRISBY: You'd have to have a reasonable basis, which may or may not require testing, depending on the circumstance. Yeah.

MS. O'BYRNE: Hi, Kim O'Byrne from The Jones Group. I'd like to address Frank's question.

This afternoon, we are supposed to talk about adopting the ISO symbols. I think if we adopt the ISO symbols, that will solve a lot of the problems because, under ISO, you're required to have five symbols. One is a home laundering symbol and the other is a professional cleaning symbol.

And under those symbols, you can say hand-wash, whatever, and you can put a dry clean symbol or a wet clean symbol, so you've got two. When you see

two symbols, you know you can launder your garment by either method. If you can't launder it in the machine wash, you but an X through it and it just has the dry clean. There's no dry clean or dry clean only.

MR. FRISBY: The Commission has not proposed requiring the use of the symbols, only permitting them in lieu of written instructions. So that might work if people opted for that.

MS. O'BYRNE: It might solve the problem.

MR. FRISBY: Yeah, if people opted. Charles.

MR. RIGGS: I think that's a topic that will come up later and I thought so, too. But having gone to the ISO meetings, what I learned is that, in ISO, you do not have to have a reasonable basis to use the St. Andrew's cross to cross it out, you just cross out what you don't want to use.

And in the FTC rules, you've got to have a reasonable basis to warn against something. So there's a big difference between the U.S. rule and the ISO five symbol set with the crossing out.

MR. FRISBY: Yeah. Why don't we hold this discussion for the next group, in case -- we only have three minutes left, so if are there any more questions about the issues that we focused on in this group, we'd like to hear those. Anyone else? Peter, yeah.

MR. SINSHEIMER: I have a question for you.

MR. FRISBY: Okay.

MR. SINSHEIMER: In your proposed rule to allow versus require. The rationale for allow would be somehow that the consumer demand would drive the adoption of the wet cleaning label to some label that would kind of satisfy the consumers' demand for that or something to that effect. I'm not exactly --

MR. FRISBY: That's actually not the case.

MR. SINSHEIMER: Okay.

MR. FRISBY: The objective of the rule, or for those amendments is to address potential deception or unfairness.

MR. SINSHEIMER: Yes, but the logic that you spelled out for allowing was that somehow the percentage of the garments that would be -- have the professional wet cleaning label on it would somehow be driven by consumer demand. But I don't want to -- that's my -- that's at least what --

MR. FRISBY: That's not central to the proposal. The proposal is to prevent deception. And since wet cleaning is now a viable option, I think everybody agrees with that, for cleaning, there should be a way of disclosing that with an instruction.

We have time for one more question, if anyone

wants to --

MS. NORBURY: Yeah, one question as far as the environmental issues. A lot was discussed about wet cleaning versus dry cleaning, but home laundering, the water and the detergents and the soils are going down the sewer. Has there been any studies, wet cleaning versus home laundering? Is there any difference on impact to the environment?

MR. MATTHAI: Is that a question for me?

MS. NORBURY: I don't know.

MR. MATTHAI: I hope not. I don't know the answer.

MS. NORBURY: Whoever can answer.

MR. FRISBY: Microphone? That would be the last question.

MR. POACH: Dart Poach from the Professional Leather Cleaners Association. I don't have the name of the study right off the bat, but I could probably get it for you. I know there's been a few studies that have shown that the carbon footprint, in general, over the whole population would be tremendously reduced if people took their clothes, all of their clothes, to a professional cleaners than doing it at home.

MR. FRISBY: Interesting. I think that concludes our first discussion group. I'd like to

thank all of you for participating and people who questioned.

We will be reconvening at one o'clock for the next group. Thank you.

(Whereupon, there was a recess for lunch.)

PANEL TWO

MS. KOSTNER: Good afternoon and welcome back from lunch. I'm Amanda Kostner with the Federal Trade Commission. Robert Frisby will also be assisting with this panel and this is the discussion on care symbols.

We have six issues on the agenda today. We plan to roughly allocate about ten minutes per issue and we'll have a Q&A time at the end.

I'd like to introduce our roundtable participants. We have Marie D'Avignon with American Apparel & Footwear.

Richard Fitzpatrick with Kreussler Inc.

Adam Mansell with the UK Fashion and Textile Association.

Charles Riggs from Texas Woman's University.

Mary Scalco with the Dry Cleaning and Laundry Institute.

Peter Sinsheimer from UCLA Sustainable Technology and Policy Program.

Stacy Sopcich from GreenEarth Cleaning.

And Alan Spielvogel from the National Cleaners Association. Thank you all for participating.

Our first topic of discussion today regards the differences between the ASTM and ISO symbols. As you know, the prior rule allowed only use of ASTM. The

Commission now proposes to use both ASTM and ISO care symbols. The Commission seeks input on whether consumers will be deceived or confused by some of the differences between these two care symbol systems. And we've identified a number of differences.

The first is the maximum treatment. Under ISO, a care symbol designates the maximum treatment that can be applied to a textile. This is in contrast to the ASTM system, where a care symbol does not necessarily indicate the maximum treatment. And I'd like to hear any input on what impact this has on consumers and/or impact on manufacturers.

MR. SPIELVOGEL: My opinion on this is there's really no standard on care labeling because each country has it's -- there's European, there's ISO, there's the ASTM, there's also Asian care symbols. And what happens is, there's a lot of confusion on how to process the garment and what the consumer can expect out of the garment, how to process it.

And I think if there's one set of care symbols and it's a standard, I think it would be a good idea. It would make it easier for the consumer and the dry cleaner. What we've been seeing is that you'll see a lot of care symbols in different languages, different symbols, and you end up having a garment that contains

five or six care symbols, it's like a little book. And what the consumer does is, they end up taking it out of the garment because they can't wear it.

So I think if, you know, we went to symbols, I think it would be easier for the consumer and it would set a standard, you know, throughout the world. It would make things easier for everybody involved.

MS. KOSTNER: Does anyone else on the panel -- Adam.

MR. MANSELL: I think the particular issue, the maximum optimum treatment, that's an issue for the manufacturer, retailer, the person who is putting the garment on the market. It will have no impact whatsoever on the consumer. The consumer will just follow whatever information is on that garment.

So if it's being tested to 6330 or whatever the US equivalent is, then it will be safe to launder at home or dry clean or whatever else it might be. So I don't think that particular issue would have any significant impact.

MS. KOSTNER: Charles.

MR. RIGGS: I was on both the ISO committees and the ASTM committees and the difference on the maximum was not in the symbols, it was in complying with the FTC rule. Because the FTC rule did not

require the maximum.

And that would be a whole in approach and would address another issue of low labeling, which has been a common issue, according to the FTC rules, because we have manufacturers who will not put the harshest conditions, they would put something less than the harshest condition because indeed the garment performs better. But in terms of getting it clean, the maximum condition would be preferred.

You can do the maximum, regardless of whether you are using the ISO symbols or the ASTM symbols. I don't think that's -- that's not a difference built into the symbols. You know, the symbols, I think, are the same except for the natural drying.

MR. MANSELL: Depending on which version of --

MR. RIGGS: Yeah, depending on which version. The last version I saw was the committee draft. I would have to buy a new version and I didn't do that. If you work on the committee, you can get drafts, but you don't get the final copy.

MS. KOSTNER: Well, natural drying is my next question for the panel, but is there anyone else who had a comment on maximum treatment?

MS. SCALCO: Well, I guess it's not really on

the maximum treatment, but you asked if the -- having the two symbol systems, the differences would be --

MS. KOSTNER: Yes.

MS. SCALCO: -- would it have an impact on consumers? Consumers don't understand either of the systems, so depending on what education FTC was going to do to educate consumers on the symbol system, now you'll have to educate them to two symbol systems, not one symbol system because I would venture to say that most consumers don't know care symbols period. So if you want them to recognize a difference, you would have to educate them to both systems.

MR. MANSELL: If I could, one more comment. Although the ISO absolutely does talk about maximum treatment, it has in no way removed the same issue that Charles was talking about about under-labeling. You get under-labeling throughout Europe, and the rest of the world where the ISO applies, just because it's got that statement doesn't mean that everybody actually follows it.

MS. KOSTNER: Richard.

MR. FITZPATRICK: In terms of the care providers, I mean, the world is getting smaller and smaller and more and more of our clients are coming in with textiles that they've purchased overseas that

simply have ISO labels already in them. They still need to be serviced. The cleaner needs to be able to process them in their best possible way, you know, with some reasonable guideline.

I think Alan mentioned, there's no standards in the industry, in terms of what's maximum and what's minimum, and it can vary from facility-to-facility. I think that having both sets, or allowing both sets, would allow garment manufacturers in Europe to be able to sell in the United States without having to manage two different types of care labels. It will allow the cleaning providers some reliability, in terms of how they can process the work.

In terms of the under-labeling or maximum or things like that, I don't think that's going to come into so much play with the care of the garment, because the dry cleaner is going to process it with whatever standard formula it is they have in their machines.

MR. RIGGS: I don't think it's as much an issue with the professional cleaners as it will be the consumer. You know, the consumer gets something that says hand-wash, cold water. The professional might recognize that as a label, but the consumer thinks that's what they have to do with it.

MR. FITZPATRICK: The consumers are always

going to be confused over these labels.

MR. RIGGS: Exactly.

MR. FITZPATRICK: And I don't think we can correct that.

MR. RIGGS: I think our intent here, I mean, this whole labeling requirement is for consumer benefit, right?

MS. KOSTNER: Yes.

MR. RIGGS: So I think we have to look more in terms of how the consumer views what they're seeing over the professional. The professional is going to be up another level of knowledge.

And I can tell about consumers, and I'm talking about freshman, sophomore college students who are fashion design, fashion merchandising, textiles majors who should no more, they don't understand them either.

MS. KOSTNER: Well, I'd like to move on to the issue of the difference between the natural drying symbols with ISO and ASTM and would the Commission propose changes to the care labeling rule. ISO 2005 is in effect, so we are addressing ISO 2005 with this, with these differences.

Some of the differences are there is a do not wring symbol in ASTM and ISO doesn't have this. There

is a different number of symbols. ASTM has more symbols than ISO. And in ASTM, the symbol for medium temperature drying means normal temperature drying in the ISO system.

So again, what are the impacts on consumers and what are the impacts on manufacturers with these differences?

MS. SCALCO: Well, in terms of the manufacturers, if it was me and I was a clothing manufacturer, the first problem I would have is that you're referring to a standard that's not the current standard. So I would be using the current standard, I would not be going back to 2005. I would be doing whatever the 2012 is, right? So that would be the first problem for the manufacturer.

Consumers, again, they don't understand what they mean anyway, so -- I mean, wringing, you can pretty much figure it out, it looks like wringing. But the box with the lines on it, I'm not sure that anybody is going to understand what that means anyway.

MR. RIGGS: And Mary, I think the new ISO natural dry symbols are quite different than the 2005 ones. The 2005 is more in line with the ASTM.

This has always been an issue, if you adopt ASTM or ISO or both, because FTC wants to keep control

of changes in the symbols. And so if you adopt an organization's symbols and they make a change in them, then the FTC loses control over a change in -- controlling the process. So that's part of the issue.

MS. D'AVIGNON: I would agree with Mary that, very much so, the fact that we are looking at the 2005 and not the most recent standard is a big problem.

But for manufacturers in today's supply chain, they are not making products for just one market. Very, very rarely does that happen. So being able to use both sets of standards, or some kind of combination of the standards, whatever we decide, might be best and would benefit manufacturers immensely.

MR. MANSELL: I totally support that comment.

Just coming back to the consumer comprehension of the symbols, I said it earlier, if we are talking about consumers, there are really only three, possibly four, of the symbols that make any difference to them at all. One is the washtub, and absolutely everybody knows what the washtub means, certainly within Europe and I'm sure it is within the states.

The iron symbol is the only one that actually looks like anything that you're going to do, so everyone understands what the iron symbol is. The dry

clean, professional cleaning, we talked about this morning, and then the tumble dry one. The bleaching one, frankly I don't think anybody understands what the bleaching symbol is and they're never going to because it's not a very intuitive process.

So I don't think there would be a particular issue with consumer comprehension, in terms of the washing, the ironing and the professional care symbols. That's my personal view.

But coming back to a more general point, I think if we can have a system where the two major markets in the world have the same general approach to labeling, I think it would be a huge difference to manufacturers and retailers.

MS. KOSTNER: And I wanted to identify one other difference between the two systems, and Professional Riggs touched on this earlier, in ISO they use the St. Andrew's cross, and that does not require a reasonable basis, as opposed to ASTM, if you use the do not language, you do have to have a reasonable basis. Again, input on what impact this has on consumers, what impact this has on manufacturers, and does the FTC need to do something to make people understand this difference?

MS. SOPCICH: Are you suggesting that the FTC

would no longer require a reasonable basis with the ISO standard? Is that what you're asking?

MS. KOSTNER: No, I'm just asking, the FTC has proposed the use of the ISO standard, so how can we harmonize, if you're using the ISO system and you want to use the, you know, the do not instruction, but the ISO doesn't require a reasonable basis.

MR. MANSELL: I think you've gone two steps ahead of where you need to be. If the FTC rule is that you need to prove reasonable basis, then that's the FTC rule. So it's up to the supplier to make sure, if they have the St. Andrew's cross on it, they have complied with the FTC rule.

Just because -- bear in mind that the ISO 3758 standard is just about the graphical symbols, that's all it's about. So if there is a requirement within the US that says you have to provide reasonable evidence, then you have to provide reasonable evidence. It makes no difference what it says in 3758. I don't see the two being contradictory in this instance, that's all.

MS. KOSTNER: Yes.

MR. FITZPATRICK: Well, if the rule is changed to allow both ISO and ASTM standards, then doesn't that automatically include the fact that, if it

is an ISO labeled ISO, that they don't need to have reasonable --

MR. MANSELL: No, because you're selling it to the US and the US requirement is you have to have reasonable proof. That doesn't change.

MS. D'AVIGNON: I agree actually with that. I would think that the underlying symbol would be the thing that would be allowed or recognized in both places, but the rules as to whether or not the symbols can be crossed out is completely separate from what the symbol looks like.

MR. RIGGS: That's the same logic with the maximum criteria, too. We're using the same symbol.

But I think the bigger issue is, as these symbols begin to change, either ASTM doing the changing or ISO doing the changing, then we are basing this on an older version that is no longer current. How do we update it to the current versions? Because the FTC loses control of the process if you just blindly say the most recent standard from ASTM or most recent standard from ISO.

MS. KOSTNER: Well, the FTC would have to go through another proposed NPRN to incorporate the new ISO standard. That's the process that the FTC has to follow to keep up with the every-changing standards.

MS. SCALCO: Well, I don't mean to criticize the FTC, but I think you just added a level of deception to the whole process. Because now you've got the consumer working off of whatever the most current standard is, the manufacturer working off of the most current standard, but the FTC is on a standard that's five years ago.

And I don't know how -- as a consumer, what do I do?

MS. KOSTNER: This is an important topic. Unfortunately, it is not for this panel. We will be able to discuss this and ways the FTC can keep up with the different rules in the third panel, but I'm going to -- if need be, but I'm going to move on to the next topic at this point.

That is, whether to require that labels identify the ISO system, if used. So right now, the FTC -- the Commission's proposal is that if you use the ASTM symbols, you do not have to say that you are using the ASTM symbols. If you use ISO, the proposal is is that you would have to say that this is the ISO system.

So to what extent -- my first question to the panel is, to what extent do care labels currently use ASTM or ISO symbols? Does anyone --

MS. SCALCO: I would have to ask some of the

manufacturers in the audience if they have a --

MS. KOSTNER: Does anyone know the percentage of labels that do use symbols?

MR. FITZPATRICK: Is your question just how many garments come with symbols as opposed to written instructions?

MS. KOSTNER: Yes.

MR. FITZPATRICK: And whether they are ASTM or ISO?

MS. KOSTNER: Yes.

MR. FITZPATRICK: I would say the majority of textiles come with symbols of some sort as part of the care label.

MS. D'AVIGNON: I would just amend that to say that I believe that -- I wouldn't say that the majority use symbols instead of, but the majority use symbols either instead of or addition to.

MR. FITZPATRICK: Yeah.

MS. D'AVIGNON: Most companies use the words and the symbols.

MR. FITZPATRICK: Yes.

MS. SCALCO: Are they ISO or ASTM?

MS. D'AVIGNON: It depends on --

MR. MANSELL: It depends on the market.

MS. D'AVIGNON: The ones I see in the US are

usually ASTM because it's the US, but --

MR. RIGGS: I've never seen the symbols identified on the label whether they are ASTM or ISO.

MS. KOSTNER: Well, so that was my next question. When symbols are being used, does anyone have evidence, anecdotal or otherwise, of do they see that it says ASTM on it? Does it say ISO?

MR. FITZPATRICK: I definitely think that if you purchase garments in Europe that the care label will state ISO on them.

MR. MANSELL: No, no.

MR. FITZPATRICK: They don't?

MR. MANSELL: No, no.

MR. FITZPATRICK: Well, then I've seen ISO on garments sold in the US from European manufacturers with that.

MS. SOPCICH: If you get back to consumer protection, I think the key issue is whether or not the symbol has a different meaning under the two standards. And if it has a different meaning, then it makes logical sense that you need to identify it.

But for the most part, most of the symbols mean exactly the same thing. It's just very few.

MS. D'AVIGNON: I agree. I mean, there are slight differences, but it's never a case where a

square here means one thing and something different in another country, it's still going to be a square. And it might have two dots or a 68, but it still means the same thing and consumers are going to understand that that square means the same thing, wherever that is.

MR. RIGGS: I don't think normal versus medium is an issue.

MS. KOSTNER: Okay.

MR. RIGGS: There is an issue that, I'm not sure it's ever been openly discussed, so maybe I'll -- I don't want to put Adam on the spot. That is, some of these symbols are copyrighted and I'm not sure what is involved with the manufacturers and cost for use, going to ASTM versus ISO, which has some GINETEX symbols in it. I know Adam has a history with GINETEX and might address it.

In other discussions, we would talk about fees to use and the meaning of the copyright and so on, but in the panels it was never discussed. I think it needs to be. You know, are there underlying costs associated if a manufacturer chooses to use ISO symbol sets? I believe with the ASTM there is not, but you've got to buy the standard. With ISO, I think depending on where you market it, I'll let Adam bring that up with the response, there may be additional feels

involved per label. Please, Adam.

MS. KOSTNER: That was my next question. And just remember, the use of symbols is always optional. So this is -- you're not required to use symbols under the FTC rule, but should a manufacturer decide to use the ISO system, does the manufacturer incur additional costs?

MR. MANSELL: It depends where they're selling. If they're using them in the ISO, then absolutely not. The only time that anybody is required to pay a license fee is if they are selling a garment into a country where the symbols are trademarked. And the symbols are not trademarked in the US, so you can use them free of charge. They are not trademarked in the UK either, you can use them free of charge in the UK.

They are trademarked in most of mainland Europe. I think the trademark covers about 40-odd countries in total, but that trademark is only properly policed in mainland Europe. The fees that you pay in mainland Europe depend upon the particular market you're selling into and this would have -- irrespective of whether the FTC decides to adopt the ISO symbols or not, this situation that I'm explaining would still occur.

So if you're selling into most of mainland Europe, you have to pay a license fee. That license fee depends on which country you're selling into. It can either be per garment or it can be an overarching fee. And if anybody wants to talk to me about how the UKFT could help them, I'd be more than happy to do so, but it's probably inappropriate for this particular panel.

MR. RIGGS: This is being recorded, Adam.

MS. KOSTNER: So my next question is, under the Commissions proposal, using ISO you would have to disclose it as the manufacturer. So my question is, should this recommendation go forward, that if you decide to use ISO, you must somewhere disclose that you are using the ISO system?

MR. MANSELL: What benefit would that give the consumer? Because the consumer isn't going to know ISO 375 or ASTM or anything else.

MR. FRISBY: In the Commission's Notice of Proposed Rulemaking, it indicated that there might be a difference because consumers might be more used to ASTM, it having been permissible for over ten years, and that was the reason for proposing it. But we want to hear if it is a bad idea, we'd like to hear from you all.

MR. MANSELL: My personal -- again, my personal view is that it's unnecessary. A washtub in the ASTM and a washtub in the ISO are so similar that I don't think that it would be an issue.

MS. KOSTNER: Anyone else?

MS. SOPCICH: I agree, I think it's common sense. But if you're protecting the consumer, you would only need to identify them if there is a completely different meaning to the symbol. Otherwise, I don't see the value to the consumer of that.

MS. D'AVIGNON: Agreed as well.

MS. KOSTNER: And if the Commission decided that the ten years of experience with ASTM warranted that ISO be disclosed, does the panel have any suggestions for what language the Commission could use to disclose the use of ISO?

MR. FITZPATRICK: I think just simply stating that these are ISO care instructions is really all that's required. I don't think you have to go into a lot of detail on a care label of what that means.

MS. KOSTNER: Okay. Anyone else?

MR. RIGGS: The big difference probably is the use of the St. Andrew's cross. And probably most consumers are going to read that as, don't do that. Whether there's a reasonable basis or not, they won't

know. They just know don't do that.

MR. FITZPATRICK: But again, does that hurt the consumer?

MR. RIGGS: No, that's --

MR. FITZPATRICK: If they don't do that?

MR. RIGGS: -- what I mean. They don't know whether it's a reasonable basis or not, they just won't do it, which is probably the right action anyway.

MR. FITZPATRICK: Sure.

MR. RIGGS: For example, I know in the ISO system, you would routinely X-out "Do not dry clean" for underwear, you know, without testing it. You know, who would dry clean their underwear anyway?

MS. KOSTNER: On that note, I will be moving on to the third set of issues. This is some of the differences between the 2005 and the 2012 ISO symbols.

So there are differences in the natural drying symbols, bleaching and some of the professional-type of care. Do not professional wet clean was added in 2012, that was not there in the 2005.

So as I mentioned, write now the rule is written to ISO 2005. Mary mentioned that consumers and manufacturers and dry cleaners, possibly, are looking to the 2012 rule. The changes between the 2005 and the

2012 rule, are these significant enough that they would have impact on consumers, manufacturers, cleaners?

MS. SCALCO: Maybe I'm -- you just said 2005 does not have a wet cleaning symbol, right?

MR. MANSELL: A do not wet clean.

MS. SCALCO: A do not wet clean.

MR. MANSELL: It has a permissible wet clean, but not a do not wet clean.

MS. SCALCO: So you can't put the cross over the --

MR. MANSELL: If you use the 2005, but you can if you use the 2012.

MR. RIGGS: In the 2005, I'm not sure if it's in the '12 or not, but I remember very clearly that the European ISO was a very basic five symbol set. And the professional care was mandated to be a dry cleaning instruction and the wet clean was optional. So it became a six symbol or second line.

So originally, it wasn't necessary. Now if we require a wet clean label, which I hope we don't, we would have to have the ability to cross it out.

MS. KOSTNER: Would words -- would the use of words remedy that issue?

MR. RIGGS: Well, words defeat the purpose of using the symbols, right? It concerns me, and I don't

know what happened, except that the US delegation wasn't there, the 2005 ISO and the ASTM were the most -- were the two that were harmonized the best, that is most of the symbols were identical, if not easy to interpret one to the other.

In the 2012, suddenly the natural dry symbols I think switched from being in harmony with ASTM to, I think, being in harmony with the Japanese system.

MR. MANSELL: No, being in harmony with absolutely nothing at all.

MR. RIGGS: And it's worried me why they switched because, you know, we were in harmony at one point -- and then for some reason intentionally went out of harmony. I wasn't there and, as far as I know, the US delegation in general, they had trouble finding someone and wasn't there.

MR. MANSELL: The US delegation was there when we voted on the new version and on natural drying. There were only two countries that voted against the changes against natural drying and that was the US and the UK.

I will put this on the record, because it's a flippant point but it's quite an important point. What happened within the ISO discussions was that, and excuse me for those of you that are technical in the

room, the technicians in the room took over the debate, so common sense was left behind.

I think it's something to be aware of when you have these discussions is that you need to make sure that common sense prevails.

MS. KOSTNER: So is there any reason not to adopt the ISO 2012 rule at some point? I see headshakes, for my court reporter. Does anyone want to speak up why they think it should eventually be adopted, ISO 2012?

MS. SOPCICH: No, there's no why it shouldn't.

MR. RIGGS: Isn't the '12 the one that as the different natural dry symbols than the ASTM?

MS. KOSTNER: Yes.

MR. RIGGS: Yeah, we could go from being in harmony with ASTM, symbols that can be recognized by the consumer, to suddenly something new and different for 2012 that doesn't harmonize. So yeah, I think --

MR. MANSELL: If I could just add to that, although the natural drying symbols have been in the ISO since 2012, I have yet to see a single garment in Europe that uses them. Because natural drying, unless you live in a very, very, very hot country, and the sun might bleach your garments, natural drying, with one or

two exceptions, won't damage your garment. So there's just not used.

MS. KOSTNER: Any other comments on this issue? All right. I would next like to get input on some of the changes to the ASTM system, specifically the change in the meaning of circle P.

So the old circle P, which is just a circle with a P in it, meant that you could dry clean with any solvent except perc.

MR. RIGGS: No.

MS. KOSTNER: Is that --

MR. RIGGS: That's not what it meant.

MR. SPIELVOGEL: Any solvent but trichlor.

MS. KOSTNER: Okay, any solvent except trichlorethylene.

MR. RIGGS: Which basically no longer exists as a solvent anyway.

MS. KOSTNER: Okay. And under the revised standard, the symbol means to dry clean with, I believe, perc or petroleum, is that correct?

MR. RIGGS: I believe, according to the test method, and I think that's where we ought to go back to, ISO 3175 views perc as being the most aggressive solvent. So to pass the test for perc, any of the less aggressive solvents could also be used, which would

include, as far as I know, anything out there including the ones we currently don't recognize like GreenEarth, dibutoxymethane, K4, on and on and on and on. I believe all of those would be compatible under that system with P.

When you go to the other symbol, the F, that would exclude perchloroethylene because that's a milder test method and perc will not pass the symbol test where you use the F. So you're basically saying with the F, don't use perc. Use anything else. With the P, you saying use anything that we know of right now.

Alan, is that your understanding?

MR. SPIELVOGEL: Yeah. There is also, with this P, as far as getting solvents that are less aggressive than perc, making perc the standard, a lot of the solvents out now, alternates to perc, are heating the solvents, which make them aggressive and sometimes as aggressive as perc. Between the heating of the solvent and also the drying temperatures, there's also aggressiveness as the garments heat up. So I think that's something that has to be looked at. And most of the dry cleaning machines now, the non-perc dry cleaning machines are being sold with solvent heaters.

So it doesn't necessarily make perc the

benchmark of what's the most aggressive solvent.

MR. RIGGS: I think what you're saying, Alan, is that the ISO 3175 test methods don't cover the operating procedures. So that's where the issue is, the test method doesn't cover the operating procedure.

MR. FITZPATRICK: I think it's going to be a little difficult to modify the test methods for any kind of trim that happens to be happening in the industry at that given time.

So yes, there are machines out there that are heating solvent up. I don't think it's the majority of machines being sold, but they are out there. And I think it's not proven how aggressive it actually makes the solvent when you heat it up. There seems to be some measurable difference, but as far as I know, there has been no independent studies showing that heating hydrocarbon up raises it's KB value from 25 to 75 or to a 93.

So yes, I agree with you, Alan, the drying temperatures and the heating of the solvent all play an influence. I'm not exactly certain how we would write a standard to take into account -- like, I believe that the ISO standard for solvents requires the temperature of the solvent to be within a certain range.

MR. RIGGS: It does.

MR. FITZPATRICK: And so I guess we could mandate the same kind of standard, if that doesn't currently exist for ASTM.

MR. SPIELVOGEL: I'd like to see something where it says like a shortened cycle or a reduced cycle or a mild cycle to also include something as far as heating goes, whether you can or can't.

MR. FITZPATRICK: I would agree with that.

MR. SPIELVOGEL: The industry, as far as what I'm seeing, we have a lot of multicolored garments and the majority of the problems have to do with solvent temperature and drying temperature. And it's just what I've been seeing. Mary, do you see that with DLI?

MS. SCALCO: Mm-hmm.

MR. SPIELVOGEL: Yeah.

MS. SCALCO: But again, I think we need to address that at the ASTM AATCC level and get the test method change. I don't know that the change you're proposing -- I guess here's what my point is. What Alan brings up and what we were just discussing, we go and have changed at the ASTM and ISO level and they change that standard and they do that in 2013, so it reflects what happens in the industry, your care labeling symbol requirement is now null and void. It's

behind the times. Do you see what I mean?

Unless you can react quicker than the industry can react -- I'm really having a problem with referring back to 2005 or 2002 or even today, with the 2012 standard. Why not refer to the most current standard of both of these? Because there are people around the room that sit on those committees that develop those standards based upon their level of expertise and what's happening in the industry. So then your Federal Trade Commission rule is current with what's going on.

MR. RIGGS: The answer to the question is that would remove the control out of the hands of the FTC, if you just simply say FTC is going to take the most current standard. Then the FTC no longer controls the process.

MS. SCALCO: But if dry cleaning in itself changes --

MR. RIGGS: I agree with what you're saying.

MS. SCALCO: -- and it refers back to a standard that is no longer typical of what's happening in the industry, or if it's a wet cleaning symbol and it is no longer reflective of what the wet cleaning is that's happening in the industry, I don't see how that is beneficial to the consumer.

MS. KOSTNER: Moving back to what brought us to this discussion, the change in the circle P symbol and ASTM. Kind of give me the bottom line, what is the impact on this change? What is the impact of this change on consumers, if any? Is there any reason why the FTC needs to address this specific change with any additional language in our proposed rule?

MS. SOPCICH: I think it would be a stretch to say that consumers know what P means. I think the P is what does the professional cleaner think it means. And even there, honestly, our affiliates don't know what P means. Some think it means professional clean, P. Some think it means perc, some think it means no perc. They have no idea.

Frequently, they do rely on the fiber label or, you know, the words to clarify their understanding. But in terms of the question, whether it is changed from its meaning, on the positive side it is now harmonized with the ISO and that's really critical. So I think the benefits outweigh the negatives, very much so.

MR. RIGGS: The logic discussed always that ISO and ASTM was the circle symbol should alert the consumer, don't do this at home. Take it to the professional and then the professional uses the right

procedure based upon their training and knowledge and whatever else they see there.

You know, there is a modification in the test method for a mild cycle, I can't cite off-hand what that means. I think it's a shorter cycle, but the professional would know or should have access to the training to know. Now, whether they avail themselves to the training or not, that's another issue.

But I think the circle, to the consumer, should only mean don't do it at home. And then anything else we add is information for the professional.

MS. KOSTNER: All right. The next topic regards solvents and the absence of ASTM and ISO symbols for solvents other than perc and petroleum.

The Commission would be curious to know how this came about in the two different care labeling systems, if anyone has insight into that. Why are there only symbols for perc and petroleum?

MR. MANSELL: From the ISO point of view, there symbols for those solvents that were prevalent on the market at the time. Whether it's of any interest or not, ISO 3175, which Charles has referenced several times, the test method is being amended as we speak and will almost certainly be broadened to include the new

solvents that are available now.

MS. SOPCICH: And also relevant is that the ASTM is now voting on a change to the definition of P and F in a -- not the symbols, but to change the definition to encompass alternate solvents as well.

So I think the standards are right where they need to be.

MS. SCALCO: The garment manufacturers, they have to have a basis to determine what they are going to put on the label. If they're going to test, they need a test method. So the test methods all refer to a specific solvent, they don't just say dry clean. They say dry cleaning in this solvent, you do this. Dry cleaning in this solvent, you do this. If you don't have a test method, there's nothing for them to test to. So many times, you're developing the test method before you develop the symbol, so if they put that symbol, they have a basis for it. So that's why.

MS. SOPCICH: And we're also -- I mean, the AATCC is also going to be undertaking that necessary step to support the standard, if that passes, in order to have the science behind the standard.

MR. RIGGS: It was explained to me, I think the issue was the P actually stood for perchloroethylene or tetrachlorethylene, and that means

that's the solvent to use. Which, as it turns out in the test method, is the most aggressive and, I think, still the most aggressive. And if it withstands the most aggressive solvent, then it is safe for all others.

The F, as I understood, signified flammable because these other solvents are, you know, there is some degree of flammability. And I think that's true even of the newer substitutes, that they are still flammable solvents.

The question would be, could you use, I think it's Part 3 of 3175, to test the GreenEarth solvent or what do you have to modify? So I would think we probably can do with the two solvents, flammable and nonflammable, and if it's got a P, you can you use anything. If it's got an F, you can't use P. So that simplifies the process.

And the task for other solvents would be, how do you modify 3175 for a test method for all of these different alternative solvents. And that's what's being worked on currently. And it would still probably carry the F symbol.

MR. FRISBY: Can I just jump in for a minute? I hear you all saying that the Commission should incorporate the most recent standard for both ASTM and

ISO, not withstanding the fact that there is a difference on the drawn symbols, is that what I'm hearing?

MR. RIGGS: That's not what I was suggesting.

MR. FRISBY: Okay.

MR. RIGGS: I would suggest to use the ones -- use the two that are harmonized.

MR. FRISBY: So you're saying we should use the 2005 ISO and the current ASTM? And what about the rest of you?

MR. MANSELL: I'd use the most current, I'd use the 2012, because that's what the industry uses.

MS. D'AVIGNON: I think if we're not using the most current, there's not much point in even considering it. Because the whole point is to be able to use the current so you can sell a product in multiple countries with the same label. And if you can't sell a product because you're using the 2005 standards, there's no point in using them in the US at all.

MR. RIGGS: Well, then you would say, don't use ASTM symbols because they would not be current with the current version of ISO, so all the manufacturers have to switch to ISO and drop ASTM.

MS. D'AVIGNON: Not necessarily, because they

both have different benefits and different challenges. So if a company wants to use ASTM, you know, they can only -- they are allowed to have just the one symbol. If they want to do that, they can stay in the US market. If they want to use ISO, you know, they can use five symbols, but they have to use all five, which is a problem sometimes for US companies. They might have to pay the GINETEX fee for the licensing, so they may see more benefit in using the ASTM. I think it will depend on the company's preferences.

MR. FRISBY: If there is a discrepancy in the symbols, does anyone have a suggestion as to how the Commission should address that in the rule, if it all? If it allows the two most recent standards.

MR. MANSELL: It may be complicating the rule overly, but if you allow the use of ISO 3758 2012, excluding the natural drying symbols, then you wouldn't have a problem.

MS. KOSTNER: I wanted to turn back to some of the questions on solvents. We were talking about, right now there are symbols for two different solvents. And I would like to know if the panelists have any evidence on what percentage of solvents dry cleaners are currently using? And do dry cleaners have multiple solvents in the same shop? Does anyone have any

understanding on that? Any data on that?

MR. FITZPATRICK: Yeah, so -- and I think DLI and NCA probably have numbers to support this, but still about 80 percent of the industry is using perc as a solvent. The remaining is primarily synthetic hydrocarbon, with about 5 percent of the market being split up between the alternatives, GreenEarth, our solvent, propylene glycol, and then wet cleaning. So the dominant solvent is still perc in the industry.

MS. SCALCO: I would bring that perc number down a little bit. I think it has dropped a little bit lower than that.

MS. KOSTNER: And actually I think your comment used 60 percent.

MS. SCALCO: Right. I think it's a little bit lower than that, but I do think that almost every shop has wet cleaning in it, professional wet cleaning in it. And I think nowadays, you might see more -- I don't know if it's a huge percentage that has both, has multiple solvents in it, but some of the larger ones will have multiple solvents in there as well.

MR. RIGGS: Probably not more than two.

MS. SCALCO: Yeah.

MR. FITZPATRICK: Two plus water.

MR. RIGGS: Two plus water.

MS. SCALCO: Two plus water, yeah.

MS. KOSTNER: Stacy, did you want to add something?

MS. SOPCICH: I was going to say, our knowledge would say that it's gone down closer to 60, in terms of use of perc. Even from a few years ago, it's dramatically declined. I think California has had a lot to do with that.

The larger cleaners are the anomaly in the industry. They are the ones that will have multiple processes. For the most part, you've got one dry cleaning process and one wet cleaning process, whether that's laundry or professional wet cleaning. You know, that's the reality of the industry.

MS. KOSTNER: So we've heard testimony that both ISO and ASTM are looking at adding symbols for other solvents, I think that's what I heard, is that correct?

MR. MANSELL: Not symbols, just test methods.

MS. SOPCICH: Not symbols.

MS. KOSTNER: Test methods.

MR. RIGGS: I don't see the symbols going beyond two, P and F.

MR. MANSELL: No.

MS. SOPCICH: What the ASTM is looking at

doing, and Jenn can also speak to this, is just keeping the symbols, but changing the definition. So with P, it will go back to what it was when there were three symbols and there was an A for any. When the solvents more aggressive than perc left the market, they kind of relaxed the symbol system down to two. And so P then served the role of A, it still does, but they named perc and petroleum, because they were really, at the time, the only two viable commercial options. There are more now, so the definition of P would be any, which would get back to, I think, a more useful definition.

MS. KOSTNER: So does the Commission need to do anything in addition to what ISO and ASTM are doing with alternative solvents? Is there any language or wording that the Commission would need to consider in adding to the rule?

MS. SOPCICH: I see two things. One is, I think it is worth discussing, you know, whether or not the Commission intentionally used the notion of in use versus commercially available when it was naming it solvent examples. Because for example, CO2 was named. I don't know, Rich, Mary, how many CO2 cleaners are there left?

MR. FITZPATRICK: There's about six.

MS. SOPCICH: Yeah, so --
MS. SCALCO: He's more generous than me. I would have said two.
MR. FITZPATRICK: Well, if you include Sudbury, there's about six.
MS. SOPCICH: Yeah, well Sudbury, there only about 13 machines ever made, so there might be --
MR. FITZPATRICK: There's --
MS. SOPCICH: No, but my point is when you say alternative solvents, I think there is a distinction that's worthy of discussion about whether or not they are commercially available versus in use. Glycol ether is another case-in-point.
MR. FRISBY: You're referring to the definition of dry cleaning, right?
MS. SOPCICH: Yes.
MR. FRISBY: Yeah.
MS. SOPCICH: Going back to that. And then the -- what was my other point?
MR. FRISBY: Are you saying we should be subtracting some of the ones as opposed to adding or --
MS. SOPCICH: Well, I think there might have been an unintentional consequence of naming some of the solvents that were available but are already off the market. You know, solvents -- it takes time to

withstand the test of time and prove operational viability, managing the cost and the labor. You know, there's just a lot of factors besides the solvent itself. And so some of these come and they go and that's the nature of the marketplace. At the moment, I mean --

MR. FITZPATRICK: I think the FTC has to be careful though not to use language that would prohibit innovation in the industry and currently it kind of does. So the --

MR. RIGGS: I think the language choice is pretty clear. If you go from the FTC language and you replace all of those solvent examples and just say nonaqueous solvent, that would cover everything. So you're down to aqueous and nonaqueous.

MR. FRISBY: It's a non-exhaustive list, it just --

MR. RIGGS: And then you don't restrict new innovations because they are clearly going to be nonaqueous.

MR. FITZPATRICK: Yeah.

MR. RIGGS: So I think that one word, substituted every where you have those listed, just say nonaqueous --

MS. SOPCICH: And they are just examples, so

I think that's an issue, but the broader point that I was going to make is, we just heard that both the standards bodies, ASTM and ISO, are looking to recognize alternative solvents in their system of definitions and test methods. So it would be -- it seems prudent for the FTC to keep the rulemaking open long enough to allow some of these processes to work their way.

If you're going to point to a year-dated standard and you promulgate the new rule and recognize nonorganic solvents, for example, it won't do any good if the standards aren't also doing that. So they need, I think, a little bit of time to allow that to catch up, it would be useful.

MS. KOSTNER: Anyone else on this issue? All right. I think we've heard a lot of evidence on my last topic, consumer understanding of care labeling symbols. Is there anything that anyone would like to add new? I think we've heard a lot of evidence that consumers do not understand care symbols, but do we have anything else to add to this?

MR. RIGGS: In 1999, at the last roundtable, this was a topic and we discussed various education methods. Clearly, none of them worked. The one that I thought had the most promise, someone suggested that if

you could make this part of the kindergarten and first grade curriculum and send it home, then the kids could teach their parents and it would grow by that. But that would take some FTC funding, I guess, to do that.

But clearly, you know, even my textile students, who clearly are the most interested consumers in textiles and apparel, are uninformed at the college level, so we've failed.

MS. KOSTNER: All right. We will now open the floor up to Q&A. We've got a question in the front here, Rebecca. Paul would like to address the panel.

MR. MATTHAI: This is Paul Matthai, EPA. It is so much more fun to be on this side, I just wanted to point that out.

I just want to throw something out that's really out there, just as a consideration in the figure. Because every time something changes, you're going to have to go back and change a rule, change a rule, and it becomes catch-up and it's hard to do.

Suppose you were to put a bar code on a label? And each dry cleaner, each cleaner, would have a bar code reader and you could update it at any time. They put it in there, it tells you how to wash the thing. And eventually, that would get into the consumer area as well, just put a bar code on there

that says put this in this kind of wash and just put it in piles.

And you could always update, without changing the regulations, if you base it on standards. You just say whatever the current standards are. Just a thought.

I'm sitting here looking at all these things, all these symbols and stuff, and a bar code would just tell you right off.

MR. RIGGS: You not out there, Paul. It's been done. Not in this market, but in the industrial market, industrial uniforms, bar codes are common. Of course, the bar codes don't always withstand the cleaning process. RF chips seem to be the better option.

And I know at least one cleaner in Dallas that actually sews in an RF chip in every customer's item, so when they bring it back they know when they cleaned it, how they cleaned it, and what problems they encountered. So it's there.

MR. MATTHAI: And it just comes up and you don't have to think and that would help America.

MR. FITZPATRICK: The use of heat-sealed bar codes for tracking garments in prevalent in the industry. A lot of cleaners use that technology and

they've gotten pretty good at developing bar codes that will hold up fairly well.

Your idea about actually using the bar code or a QR code or some kind of digital imprint to give the cleaner or the consumer, they just take a picture of it and all of the sudden, it pops up on their smartphone, how do I process this textile. I guess that would require the manufacturers to have a database and that would be tied back to that garment in some way.

MR. MATTHAI: But there's the one that are putting on there what to do anyway, so it's up to them.

MS. KOSTNER: I think we're going to move on to our next question from the audience. Rebecca, you have someone back there.

AUDIENCE MEMBER: Hi, I'm Carl. I'm a garment care professional. As I understand the discussion about the symbols, if the P represents all solvents and the W represents nonaqueous solvents, then wouldn't requiring the two symbols on there cover your entire basis of professional cleaning, thus there would not be any discrepancy in the process and deception to the consumer?

MS. KOSTNER: Panelists?

MS. SOPCICH: It seems like we're going back

to writing the law. I mean, the law currently says one method, so.

AUDIENCE MEMBER: Well, the P would represent one method, but if you had both, you wouldn't have any -- you would cover all of your bases if you had the two symbols because you would cover both chemical solvents and water, if you had both symbols on there.

MR. CHANG: In other words, still go with P with W, two letters.

MR. FRISBY: Well, the discrepancy we talked about earlier had to do with the home washing issue, not the professional care issue. I think that's right? Natural drying and drying. It's not a professional care issue.

MR. RIGGS: If you were to require all five symbols, then you could do what you've described and I think it would be fair to all markets. But what was suggested earlier, which I object to, was requiring only one. I think you either require all five or you leave it like it is, you require them to put in a method.

MS. KOSTNER: Next question from the back, please.

MR. MITRA: But they could --

MS. KOSTNER: Could you speak up, please?

MR. MITRA: To catch up with the changing safety requirements, what consumer product safety does and CPSC does or with poison or some other products, what they have in the rule is, they have a set standard that they've agreed upon. And then what they've done is they say, any time the USDA publishes a new standard, they evaluate it in 90 days and then, if the Commission disagrees with the changes, they keep the old standard. If they agree with the changes, they revert to the new standard and it becomes 90 or whatever days they decide upon. So something like that might be helpful -- to evaluate the changes.

MS. KOSTNER: And that is something -- I'm not sure what our ability is, we would have to look into that. Front row here, please.

MR. QUDDUS: Yes, the question -- I mean, if we go back to what we had -- the recommendation is that consumers can be educated from the kindergarten level. It's not going to happen. And all that I'm hearing is that you're trying to now educate the other side of the game, which is now the professionals.

So we will educate the professionals by telling them what symbols mean what now. And the biggest distinction that I'm seeing is that we are all saying that ASTM is no good, go with the ISO. And if

ISO is the one thing that we need to learn, and if we're trying to get the ISO to educate the professionals, we might as well just educate the professionals, but through their own guidelines, and then leave the ASTM as is.

Or the other way is that, if the ASTM is all that not good and outdated, just take the ISO and get rid of the ASTM. Because if the ASTM doesn't -- let's just go with the ISO. Why have this dilemma of educating one side or the other side? Because consumers are definitely not the one to be educated. You cannot. So in this case, you are educating only the professionals, still with the professionals, just go with the one symbol. Don't make this complicated for both sides and putting ISO and, you know, ASTM. All those things are not needed. And who will be the one to keep track of these changes going on, because it's going to go on and on and on.

MS. D'AVIGNON: I want to say, I hope that I didn't come across saying that ASTM is no good, because I don't believe that. I do think that ASTM symbols have their own merit. There are certainly reasons why companies are interested in using the ISO symbols, because the ASTM is not allowed in Europe, but in other places. But it doesn't necessarily inherently mean

that ASTM isn't a good thing already, it just is different. And we need to figure out a way to make it easier for companies to be able to use both or to be able to just make some kind of common ruling for it.

MR. MANSELL: I also wouldn't defend ISO in terms of its education, because the lack of education that there maybe for ASTM from the consumers and professionals, is exactly the same for the ISO symbols.

MS. KOSTNER: We've got a question in the back corner here.

MR. PROTONENTIS: I'm Luke Protonentis with the AATCC. We've gone over this ASTM versus ISO symbols and changing them, adding five of them versus two and crossing them out, but when we just came back to a central point a little while ago about the final point of this -- and both of ya'll from the FTC have been good about pointing us back and focusing us on the final aspect of this, protection of the consumer.

But we just talked about education and kind of just threw it out the window. How can we do any of this, whatever decision that comes out of this, the final point should be the education of it. So whatever law we change, whatever symbols we choose, I don't see how we can eliminate some form of education, whether it starts at kindergarten, whether it starts at college

students, there has to be some form of education. Otherwise, everything we do, you know, we might as well go to the definition of insanity.

MS. KOSTNER: And the Commission would be interested in how to better educate consumers. When the rule was revised the last time, education -- we did attempt to educate consumers and now we're hearing from various people that it hasn't worked.

So are there suggestions? But beyond starting in kindergarten, what can we do?

MR. MANSELL: From my -- there's only one part of this industry that has the reach and the resources to do that and they're called retailers.

MR. PROTONENTIS: Well, we're talking and we have the retailers now who have a greater vested interest in it, we have a panel here who are working now with the dry cleaners and the wet cleaners. We have a larger group of people that are willing to help. So when somebody goes into a store, they have a captive audience, as far as being able to educate. So every time they go in, they learn something. And then the next time they come in, they make a better educated -- they make a more educated decision for that purchase and then they make a better educated decision for their other purchases. And then they start telling their

friends.

I mean, there are various aspects of it. There are various -- we can go and educate, but I just don't want to throw the baby out with the bathwater that, because we haven't done it before, that we can't do it again. We can. There's other options, there's other parameters, there's other people that can do it. I just want us to keep focusing on that part of it.

MR. RIGGS: The things that have worked, and retail packaging has certainly helped a lot, some of the external packaging has a lot of information from some manufacturers about the symbols and what they mean.

And I think most machine manufacturers for home laundry machines now have the symbols in the door to tell you what to do with them. And they may have dots on the dial that says a platform and code, so you know that they're picking up parts of it.

But in general, it's very frustrating. If you saw people on the street or, in my case, in the classroom, how poorly informed they are.

MR. FITZPATRICK: I think companies like Procter & Gamble, too, can play a big part in educating consumers. Manufacturers of household cleaning products that are used for the care of textiles

obviously have a big vested interest that the consumer knows how to use their products.

I also -- although education is a great topic to focus on, I don't see huge crowds of people walking down the street with ruined garments. People seem to be managing with their limited knowledge of the symbols as they are right now. I think it's important to provide as much education, but I think we're not idiots. We seem to be able to wash most of our clothes and get the rest dry cleaned adequately.

MR. RIGGS: They usually don't wear the ruined ones.

MR. FITZPATRICK: Well, yeah.

MR. SPIELVOGEL: You might want to put some type of tag on the garment with a link to the FTC site that explains the whole thing, if anybody -- if the consumer is interested.

MS. KOSTNER: I'll take another question from the audience, please.

MS. O'BYRNE: I represent a manufacturer and I'd like to address -- I have a question. It was something that you had said. The proposal is that if we use the ASTM symbols, we don't need to identify them and if we use the ISO, we do need to identify them.

So my question to you is, what is the FTCs

objective to offering to use both sets of symbols on the label? What started that off? And then I have a suggestion.

MS. KOSTNER: I'm going to defer to Robert on this one.

MR. FRISBY: In reviewing the rulemaking record, the comments we received earlier in the process, a number of the commenters urged the Commission to try to have greater harmonization internationally to facilitate trade in textiles. And so a number of the commenters urged the Commission to go with ISO and there were some that urged the Commission to allow the use of both systems. And that's what the Commission ultimately decided to propose was the use of both systems.

But there was a concern about the fact that consumers, at least in theory, had more experience with ASTM symbols, given that they were permissible over 10 years ago. And I think that led the Commission to propose this additional disclosure requirement for ISO. But we want to know -- it sounds like there's not a lot of support for that in the comments we received more recently, so we want to get the views of people here about whether that's worth doing or necessary or --

MS. O'BYRNE: So here's my suggestion. Like

I said, I work for a major manufacturer. I've worked for them for 22 years and I think they're in existence about 30 years. They've never used ASTM symbols ever because the consumer doesn't understand them.

But under the FTC regulations, we are allowed to either put it in the English language, in words, or use the symbols. So we opt to put it in English for the American consumer.

We recently went into Europe and I'm right in with GINETEX and ISO and I know them inside-out at this point. And we got tired of making labels for the same style that is going to the US and then a different label for the same style going to Europe, so we decided to invent what we're calling our global label. And we are currently putting ISO symbols on it with the English language, to satisfy the US and to satisfy the European.

So to answer the question about whether we need to identify it, if we are allowed to use both sets of symbols, do we need to identify them? No. We don't need to identify them. As Americans, for the American market, we have the option to use ASTM symbols or English words. And I guarantee you, I've done a lot of benchmarking and not many US manufacturers are using ASTM symbols, so I don't think you need to identify

them.

MR. FRISBY: I'm sorry, I didn't hear your last point.

MS. O'BYRNE: I don't think you need to identify --

MR. FRISBY: Okay.

MS. O'BYRNE: -- which symbols you're using.

MR. FRISBY: I hear you, okay.

MS. KOSTNER: So I have seven more minutes. How many questions are there in the room? All right, I see two hands.

MS. MORGAN: Hi, I'm Jennifer Morgan and I work for one of those big retailers, JCPenney. And you know, we've tried various things over the years to try to educate our customers about care. We don't sell outside of the United States, so we are limited to what we do here.

We did try one brand, specifically in our intimates, to just use the symbols and our customers complained so much about it, they had no idea.

So when you talk about education, I think one of the things you need to look at is utilizing social media. As a retailer, every penny is huge and putting a hangtag, putting a bigger label, everything costs us, our customers, and our manufacturers a lot of money.

But what we're finding now, and we did a lot with the CPIC, is if we utilize our social media, you know, our Facebook and that, we have a huge number of our customers that see that. And I think that would be a great way, going forward, to educate. You know, it's the way of the future, is utilize the social media.

MS. KOSTNER: I saw another question over here.

MS. ARMSTRONG: Hi, I'm Peggy Gorton-Armstrong from L.L. Bean and I'm in support of the FTC allowing the ISO symbols to make it easier for us to sell in the US and also have the symbols for other countries that would accept those symbols.

But if you were to allow either ASTM or ISO, then the FTC guidance on like the maximum number of symbols allowed would be helpful, just as a guidance document is what my suggestion would be.

MS. KOSTNER: Does anyone have any -- does anyone who sells overseas have an issue with too many symbols on their garments?

AUDIENCE MEMBER: What's too many?

MS. KOSTNER: I don't know. For a consumer.

AUDIENCE MEMBER: ISO, you have to have five. You can have more than five, but you have to have five.

MS. SOPCICH: I guess the question I would

have is, my understanding was that the Commission was looking at adopting the symbols, but not the system or the standard. There's a big difference, in my mind, between those two and I feel like we're talking on both sides of it.

Are we talking about adapting the standard or the symbol?

MR. FRISBY: It's the symbols, but they have to be used in compliance with the rule.

MS. SOPCICH: Okay.

MR. FRISBY: So reasonable basis would still be required for a do not -- so do not, whatever, or maximum.

MS. SOPCICH: It's a very simple proposition, really.

MR. MANSELL: You're adopting the graphics, not the standard.

MR. FRISBY: That's right.

MS. KOSTNER: Any other questions?

MS. O'BYRNE: My company already uses ISO symbols, so there's nothing to say I can't use them in the US.

MR. FRISBY: No, the rule permits the use of ASTM symbols in lieu of written instructions, but it doesn't prohibit extra information.

MS. O'BYRNE: Okay, so I have instructions in English and I have the ISO symbols.

MR. FRISBY: That would not violate the rule, as long --

MS. O'BYRNE: All right, so that's why --

MR. FRISBY: -- as long as you have a reasonable basis for all of the --

MS. O'BYRNE: -- I'm trying to figure out where is the issue.

MR. MITRA: So this is a question for the panel. I'm Seemanta Mitra from Intertek. I think the question was whether to adopt the latest standards versus to a specific standard, because the FTC wants to have jurisdiction over the standards.

I think the latest standards, whatever is the latest standards, because the technology is changing, so the ASTM and the AATCC, which are the two organized bodies here which make the standards, which the other -- the industry in general, whether it is a testing lab or a regional -- they keep on changing the standards because the technology is changing.

So if we just stick ourselves to an old standard, the problem is we are going back to the same problem which we have right now, where we are still using 96C symbols as opposed to the year 2014. So

that's one of the aspects of it.

The other aspect is, the care labeling instructions just provide us about -- the care label rule, just provide us about the rule. It doesn't say whether we can accept or reject the product. For accepting or rejecting the product, we still rely on the standards set up by the governing bodies like the AATCC or the ASTM. So if it's a grade 3, and I'm from a testing lab, for example, I refer back to the AATCC test method and grade 3 or grade 3.5, whichever I have based on the industry practice, we would pass or reject that product for care labeling requirement, based on those standards. And if those standards change, we automatically change our way of testing, too, in the way they changed.

So if we keep ourselves confined to the 2005 standard for ISO or 96C for an ASTM, we are basically reverting back to our outdated style of working in this age.

And the third aspect is, we can also look at the FTC Textile Labeling rules, which really doesn't say refer to any ASTM or AATCC standards. It gives us the regulations, it also tells to accept ISO generic names for certain fibers. And it doesn't really tell us that you should test to ASTM or ISO standards. By

default, we always test to ASTM or the AATCC standards. And as they keep on changing, they keep on adding new fibers in the industry, they keep on -- AATCC also makes the changes, how to identify those fibers. We used that test method. So by default, maybe FTC can think of that this is the standard and this is the rule. And in case of any dispute or questions, you would refer back to our American standard body, ASTM or AATCC.

Because the reasonable basis requirement is only for FTC. Europe, care instructions is voluntary. Canada, care instructions is voluntary. So the reasonable basis requirement, it's a regulatory requirement in the U.S. So we would have to think of that, whether it makes more sense to adopt to the latest standards and not just refer to a particular year of that standard.

MS. KOSTNER: I think we have one minute. Does anyone have anything to say?

MS. D'AVIGNON: I'll just add real quickly, as you mentioned, the new changes to the fiber rules say you can use the updated generic ISO -- ISO generic names. If someone puts on their label elastane, instead of Spandex, which is the ISO name, you don't have to say, this is the ISO name, elastane. You just

say elastane and you expect that people in the United States either will understand it or not really care enough to have to really specify that it's the ISO name and not the name by ASTM. So why would we necessarily need to express it this way for care samples if we don't care about the generic names?

MR. FRISBY: It sounds like no one is in favor of that proposal.

MS. KOSTNER: All right. Well, thank you. We have a 15 minute break. We will be starting at 2:30 for our final panel. Thank you.

(Whereupon, there was a brief recess.)

PANEL THREE

MR. GORMAN: All right. We're going to start now with our third and final panel. We are going to talk about the reasonable basis and some other sort of issues. And if there's time left at the end -- this panel runs until 3:40. If there's time at the end, we'll open up the floor to questions on any issues, including ones we've already covered.

I'd like to welcome our panelists. We have Mr. Augstine Chang from Nature's Best Cleaners.

Marie D'Avignon from American Apparel and Footwear Association.

Richard Fitzpatrick from Kreussler, Inc.

Adam Mansell from Wulff Consultancy.

Seemanta Mitra from Intertek.

Nora Nealis from the National Cleaners Association.

Mr. Dart Poach from Don's Leather Cleaners.

Mir Quddus from Whirlpool.

Charles Riggs from Texas Woman's University.

Mary Scalco from Dry Cleaning and Laundry Institute.

And Stacy Sopcich from GreenEarth Cleaning.

And I'm Frank Gorman with the FTC, up here with Robert Frisby, who has been here all day.

The first thing I would like to talk about is the proposed changes -- the changes that we proposed to reasonable basis standards. And these are non-substantiative changes, but rather clarifications by providing examples of situations in which you have to have -- to test the entire garment, where it's reasonable to test the entire garment.

GreenEarth came back with some additional proposed language, just sort of fleshing out the examples a little further. And I guess I can start with Mr. Chang, you know, do you think it's appropriate, either the proposal that the FTC made, to provide some examples, for example the color of one part often bleeds into another, where you have to test the entire garment or also situations where you don't need to test the entire garment. Are these illustrations helpful and would you expand them along the lines that GreenEarth proposed?

MR. CHANG: Hello. My name is Augustine Chang and I'm the owner and operator of Nature's Best Cleaners. And for the past 25 years, I've worked as a perchloroethylene operator and, for the past five years, I've dedicated myself as a 100 percent wet cleaner.

To answer the question, yes, it is necessary

to test the garment to make sure that it satisfies the needs of the consumers so that what they really pay for is the garment that they should get. So therefore, testing is required, of course.

MS. D'AVIGNON: I think clarification is always a good thing. Certainly, it couldn't hurt to have a little clearer idea of what we're looking for, but I think the current rules where it says, you know, testing isn't necessarily always required, if you have experience in this product or industry expertise, you don't necessarily need to test.

So to that point, you know, I think that the rules that we have now for reasonable basis are reasonable, that's a good thing. But clarification can never hurt.

MR. GORMAN: Right. And the clarification are those situations where you really can't just rely on your experience, you do need to test the garment. I think that's -- just to characterize that. You think that's appropriate?

MS. D'AVIGNON: So I'm not sure exactly what you're --

MR. GORMAN: This is --

MS. D'AVIGNON: But if there are specific cases where you would absolutely need to, I don't know

what exactly it says for the examples, but I usually don't ever push for more testing than is necessary. And if it is something that, you know, is a testing requirement just to have a testing requirement, I don't agree with that.

MR. FITZPATRICK: So I think it's fairly obvious that we're getting a lot of garments coming into the service providers that have not been tested adequately. And the first time they're being tested is when that dry cleaner processing organization gets the garment.

So I think additional -- some additional clarification and instructions on reasonable basis and improving that testing is probably a good thing for the industry. And certainly the examples that you gave, garments that are mixed colors, applique that is added after the fact by jobbers, those are examples of when a garment should probably be reexamined and some additional testing be done.

MR. MANSELL: I've got to agree with the two previous speakers. I think giving examples is a very useful thing to do.

MR. MITRA: I would definitely agree to that. Basically, the purpose of all of these regulations is how the consumer -- the consumer is the ultimate

receiver of the product and how the consumer is going to view things, from the perspective of the product.

So when we test, we need to test the final product that will ultimately go to the consumer at the point of sale. So there should be more examples and specifications to say that. And if there are parts in the products that would cause bleeding, that definitely needs to be verified, (a) either by historical evidence or by testing, would be the other option.

I would agree with Marie that you don't have to necessarily test to test, because there are things, for example, protein fibers. They never pass a bleach test, it's obviously. Historically, we have shown that protein fibers, like wool and silk, do not pass the bleach test. So if you keep on testing that, it's redundant testing and it wouldn't add value to your material.

So in a sense, I would agree with the speakers here that there should be a reasonable basis and the reasonable basis can be based on either experience, research, records, or testing.

MR. GORMAN: I think everybody has addressed the question so far has hit on this, but for the rest of the panel, if there are any examples given in our proposal or in the sort of additional proposals by

GreenEarth that you think are objectionable, please flag those. Or if there are additional examples that you think we should consider throwing in as well, but --

MS. NEALIS: I think we need a reasonable basis and I think examples are a good way, since people don't necessarily comprehend the same message when they read the same instruction. So an example is always a fine way to highlight to them what they may not have thought applied to the situation. It's a good way to try to solve the problem for the consumer.

MR. GORMAN: And these are, of course, this is a reasonable basis for the labeling.

MS. NEALIS: Mm-hmm.

MR. GORMAN: Mr. Poach.

MR. POACH: I represent the Professional Leather Cleaners Association. The PLCA recommends that the whole garment be taken into consideration for care label instructions. We recommend that any item containing suede, leather, fur be considered to have a professional leather clean only label on it.

MR. QUDDUS: What I have heard about, I haven't read it myself, but about examples that is given for a full garment, I would think that's really appropriate for us to have that to avoid confusion and

also avoid problems with the product.

MR. GORMAN: Okay, thank you.

MR. RIGGS: My interest on this topic was mainly with regards to the reasonable basis for the do not, St. Andrew's cross, provision. But I have learned, in terms of dealing with students, is that once you start listing examples, if you don't include the one that comes to their mind, then that's not covered.

MR. GORMAN: Are there -- well, I mean that is the risk. The longer, the more exhaustive examples you give, the more people think that that is the exclusive list.

MR. RIGGS: Yes. Not that anything else is allowed.

MR. GORMAN: And that is not the intent.

MS. SCALCO: Certainly, we support that for the garments that are outlined in the FTC ruling and GreenEarth's comments as well, those are all types of apparel that have come in where we have had problems on the professional level, so they should be highlighted that they need to be tested in the entire garment, rather than the components.

MR. GORMAN: And what I think I'm hearing is that this would not impose any additional burden,

because this is how people understood the reasonable basis anyway. That if you had a garment where one part often bleeds into another, you would test the whole garment. You wouldn't just rely on them separately, the testing for each type of fabric separately. So this is not really imposing any new burdens, it's just clarifying, in case somebody doesn't understand it.

MS. SCALCO: Well, you're asking the wrong person.

MR. GORMAN: Okay.

MS. SCALCO: I'm not a garment manufacturer.

MR. GORMAN: Okay.

MS. SCALCO: But I would ask a garment manufacturer if that was their understanding. I'm not sure it is.

MR. QUDDUS: I can support that because I used to work for a testing company and we're -- the manufacturer is asked for either testing on a specific part of the garment, but they also ask you to look at the overall garment, how the changes take place. Because it's important, they are not the same all the time.

MR. GORMAN: Stacy?

MS. SOPCICH: I think, referring to the GreenEarth recommendations, it was really for the good

of the industry. I mean, all we were trying to do is say that these are -- what the Commission is proposing is excellent, we heartily endorse it.

And to the degree that examples provide better clarification, we just think that the list could be more inclusive of some of the known problem items. And it really relates to the process being used and the solubility of the material.

So there are solvent soluble dyes and water soluble dyes. You know, there are -- any plasticizers that are being used that help a garment stay soft, cleaned in perc, there is going to be a serious problem. So because we know this already and it's a known issue, I think that it makes just useful sense for everybody collectively to have a better reference point in the law of things that might require a clear reasonable basis for the recommendation.

I'm not sure that we, as a company, understood that it was the whole garment always being tested so much as problem items that require a reasonable basis. The only thing that we are really acutely aware of is the need for whole garment testing, that seems to be irrefutable, is the current issue with black and white Spandex. Polyspandex specifically is really not an issue, except for polyspandex where it is

a really dark color adjacent to a light color.

The AATCC is already adding a note to all of their laundering test methods to say that the test methods can't predict dye bleed. And we looked at it on the dry cleaning side, too.

And so these are known issues so it seems reasonable that Spandex, in particular, well elastanes, be tested as a whole garment. Because there is no solution right now that would predict it with a test method.

MR. GORMAN: Thank you. I guess if there are any manufacturers in the audience, representative manufacturers in the audience who think that this -- only if you think that this would create a problem or pose additional burdens.

MS. O'BYRNE: I think it would.

MR. GORMAN: You would?

MS. O'BYRNE: To test the whole garment.

MR. GORMAN: Well, the proposal is that -- let me see. Reliable evidence for each component part of the product, in conjunction with reliable evidence for the garment as a whole, you can rely on that, "provided that the test results showing that a whole garment can be cleaned as recommended may be required where, for example, the color of one part often bleeds

on to another when the finished garment is washed, a dye that is known to bleed, or beads buttons or sequins." And then GreenEarth's proposal added some additional things to that.

"That are known to be damaged often in dry cleaning are used or a garment contains several fibers, fabrics, or components not previously used together."And then GreenEarth added -- their proposal added that, "a garment containing water soluble dyes, wool, natural fiber or skins when wet cleaning is the recommended cleaning method." So if you are proposing wet cleaning for those things, then you need to test the whole garment.

In that context, do you see that that imposes -- I don't know if anybody actually had looked at this for this panel, so I --

MS. O'BYRNE: No, I didn't get it. I'm just hearing the wording now. So just basing my knowledge of what my company does, we typically test fabrics, not finished garments. Unless it's children's garments, because we have to test it for CPFC.

So it would put an unnecessary burden for our cost side, because to test a whole garment is going to cost more money. And I know our testing people down there could probably fill you in on that part, versus

testing the fabrics.

But when we do have a garment that is, like you said, mixed colors, it is tested together. So the exceptions that you're giving, we will make an exception to our normal testing protocols for those type of garments.

As for the trim, to test a whole garment with the trim on it, no. We will find out from the trim supplier how it reacts to certain chemicals and we'll use that in our care labeling.

MR. GORMAN: I guess what I would suggest is, that if people haven't focused on this particular proposal, the record is open until --

MR. FRISBY: April 11th.

MR. GORMAN: -- April 11th, so if you want to go back and talk to your testing people, anybody out there, and put in some additional evidence, we would appreciate that.

But I think right now we'll move on to the next issue on our mop-up panel, water temperature in home washing. We did not have a proposal in changing our rule in any way regarding water temperature, but it was brought to our attention that our temperature ranges are different than the recent AATCC ranges proposals. And there is also a big difference between

European washing machines, which have water heaters built into them and you're able to control the temperature, and the washing machine that I have at home where, you know, the hot water barely comes in at all and it just depends on what the temperature of what your hot water is, what the relative flows of your hot and cold feeds are. Just very little control.

And my broad question for the panel, to the extent that, you know, you don't have to respond to something that's not relevant to your particular industry is, does this create real problems for consumers, for industry or for cleaners, this discrepancy between the ranges that we have in our rule and the ranges that kind of exist out there? And there's some overlap, right? Augustine.

MR. CHANG: Water temperature, I think it has a lot to do with what you do with it. You can launder dark colors in certain hotter temperatures and it removes the dye.

And like you said earlier, it takes -- how long does it take for the water to fill up and how cold does it get? Does it really get, you know, warmed up and what kind of soap does it also use? These things makes a lot of differences when you are doing the actual home laundering. Like I said, I've been doing

this for 25 years as a chemical and then five years as a wet cleaner. When you do a wet cleaning of any kind of garments, temperature is very sensitive. So we should be +/- degrees. So if that threshold is not there, that garment doesn't clean as well. So earlier, I think the Professor said you have to research the right temperature, otherwise it won't clean and I believe that's true. So putting some sort of range of temperature is important to get the maximum cleaning that you need for your garments.

MR. GORMAN: Right. And what we're talking about here is for home washing where, again, the home washing machines, for hot, warm and cold instruction. And people's home washing machines, in the United States at least, have broad ranges. And our rule with ranges is -- I guess the question is, is a fix needed for that and what would that fix be?

MR. CHANG: You know, in home laundry everything is different, so you can't really put a temperature on it because you can't really measure the temperature at home.

MR. GORMAN: Yeah.

MR. CHANG: Unless you have a thermometer and it actually measures it.

MS. D'AVIGNON: I don't think I'm really

qualified to speak on that.

MR. GORMAN: Okay.

MR. FITZPATRICK: I wouldn't have anything to add for that.

MR. MITRA: But basically what we would have to look at is, if you take Europe, we have different spinning conditions for the home washing machines, agitation speeds, those are different. That can be different from the North American or US test method or process that we have.

In terms of the AATCC, and Mir can speak more on that. He is actually the chair of the AATCC Committee for that and AATCC is working on a monograph on the wash temperatures.

So my suggestion would be to adopt something that is nationally adopted by the governing bodies here, like the AATCC, as the wash temperatures because that would prevent inconsistency between what the FTC proposes and what the AATCC proposes.

How significant would be that? We can only see after we do the testing to find that out. But in terms of very dark colors, maybe, or in terms of colors that are considered color block items, like a dark trim with a white body, it might be significant, the difference in temperature.

So in general, what we have always done, whether it is a CPSC regulation or an FTC regulation, if there are no government test standards, we automatically default to the ASTM or the AATCC standards for testing.

MS. NEALIS: I'm a wash in cold girl.

MR. GORMAN: Okay.

MR. QUDDUS: Basically, this was kind of highlighted by us because the AATCC has been working on the test standard, you know, for testing the color fastness and multiple other testings where we rely on a monograph to define what the washing conditions, the washing parameters, should be.

And we look at the washing machine, that can be a consistent tool for looking at the performance. And this is performance that will be ensured, not only for just North America but also globally, because this test standard that we formulate is used globally to test the garments that are coming in or the garments that will be produced, you know, for export to the US.

So AATCC came up with temperatures that are in line with the temperatures, or within the range that the FTC guideline provides, FTC 16 CFR provides, which is that cold, we have a temperature for cold, we have a temperature that falls within the range of the warm,

and we have a temperature that falls within the range of hot. So thus the labs, without having to look for which temperature in which to wash the garments, and I kind of piggyback on the statement that Mr. Chang made, is that you need to find the temperature within a given small range.

So the AATCC range, you know, is just one example would be that the cold AATCC defines as a range of 54 degrees Fahrenheit, whereas AATCC has a 50 degrees Fahrenheit. Basically, you can now test something with some consistency and reasonable basis that we're talking about, that would repeat in performance that can be compared globally and it can be something that, you know, Seemanta was talking about, that you can put a grade of 5 or 4 and we can be reliable about it.

So what we are assisting now, the FTC, is allowed implement this protocol where there is no rule out right now. Because if you go to a consumer laundry machine that is used in North America, then you cannot find this temperature if you don't know how to find it. The labs use the AATCC-recommended test machines, but there is no way of putting this.

So what we came up with is a programmable cycle that you can now find the temperature, which Mr.

Chang said he cannot find it in the washing machine. And it's true that you cannot find it, unless it's programmed. So this way, if we refer, like, a sentence, in terms of -- I have looked at the website and there is some statement or disclaimer about the care symbols. There, we can add this -- the terms that the items can be washed by the following washing protocol recommended by the American Association of Textile Chemists and Colorists, monograph M6, that should give the, you know, the labs to go where to find this washing protocol. And you know, you don't have to do much of anything.

MR. GORMAN: Right. I mean, we can't obviously change the shape of the washing machines that are in the consumers' homes.

MR. QUDDUS: Yeah.

MR. GORMAN: And they need to get -- this is really about the testing labs and what temperatures to test at, so that when a consumer uses a typical washing machine and they wash it on cold, it will --

MR. QUDDUS: Correct.

MR. GORMAN: Okay, that's very helpful.

MR. RIGGS: And I've been involved and if I remember some of the history, for testing purposes, you have to control the temperature. That's a given. But

then when you start comparing our testing temperatures to home washing machine temperatures, there's always been a big disconnect, especially when it comes to cold.

The testing range that we have currently for cold is 65 to 85 degrees Fahrenheit. And those numbers came from, historically, the detergent manufacturers gave us the lower range, below 65, there were activity solubility problems with their detergents, and 85 is the upper range, because there are many parts of the country, and I live in one of them, where cold water in the summer time is, in fact, 85 degrees.

But at the consumer level, you know, cold water is what they get out of the cold water pipe, depending on the season, and it changes greatly. The hot water is limited by the hot water heater and where it's at. And then for warm, you get a mix of the two. It used to be the machines were manufactured to give you a 50/50 mix. Now they've cut that to a 60/40 mix to try to save some energy.

So unless the machine has temperature control or a cold guard, you only get those mixing ratios based upon what is the water supply temperature, hot and cold. And it's all over the place.

MR. GORMAN: So do you see --

MR. RIGGS: But for testing, you've got to narrow it down. And I think the cold one, below 65, is probably not a good temperature to wash, regardless. If your cold water is 65, you probably should set the machine to warm.

MR. GORMAN: Do you see a need to change our rule?

MR. RIGGS: Well, I think you should probably have the temperature specified in the rule matching the temperatures that are specified for testing, even though these may not be the temperatures in any given consumer's laundry.

MR. GORMAN: And you would agree with that?

MR. QUDDUS: No. What we have come up with is that, what Charles mentioned, that the temperature range is like for cold, FTC has 32 to 86, with a range of 54. And AATCC has a cold that its range is 52.5 to 67.5, which falls within the range of the FTC. So you don't have to go overhaul, because we fall within your range.

Then it goes to the warm. The warm is 87 to 111 for the FTC, with a range of 24. And the AATCC has a warm of 78.5 to 93.5, which is with a range of 15, which falls within the range of warm as well.

And then we have a cycle that we call extra

hot, but the nomenclature is not a big deal. The FTC hot is 112 to 145 and our hot is 122.5 to 137.5. Now, this cannot be done just by going to the machine and saying cold, hot and warm. There is no such thing.

MR. GORMAN: Right.

MR. QUDDUS: So this is programmed and the cycle is consistent from machine-to-machine and year-to-year. So basically the performance is not consistent on the wash cycle, but the temperature is changing. So that gives the consumer the touch and feel and everything, but with the control of temperature, so that's how we can provide that.

MR. RIGGS: There are temperatures specified on both the ASTM care symbols and the ISO and I think they're the same. And the ranges are a little different, but I think you've got to match either the symbols range, the test condition ranges. You know, I don't think the FTC should try to redefine these things that are so vague anyway and work from the testing requirements. Because we can always have an explanation back to the consumer that your water is too cold to be cold wash, which is probably the case in Minnesota in the winter time.

MR. GORMAN: Mary, do you have --

MS. SCALCO: I don't have a comment.

MR. GORMAN: Stacy?

MS. SOPCICH: It only makes sense to defer to the technical experts who are providing this missing link to the testing ability to be universal. I think that makes sense to us.

MR. GORMAN: Well, the one thing that strikes me as being problematic from a consumer viewpoint, when we're talking about the language on the label, if there's not an extra hot. People don't have an extra hot setting on their machine, so an extra hot care label wouldn't be particularly valuable, if we were to match specifically, if we were to line up perfectly with your --

MR. QUDDUS: No, actually the way -- I would not worry about this part, this is extra hot, is a terminology. Because we also have one, two, three and four. Like one, two, three, four, those are the test symbols that we also -- we have nomenclatures up to four. So those are like roman numerals.

So it really doesn't matter how you call it, the cycle per se. All it is is the temperature, because when it is referred for the FTC, we definitely would have -- each of the FTC temperatures will be tested based on, cold would be this, hot would be this temperature, and that would be referred to within our

AATCC website.

So all -- we would give you a reasonable basis to test these things with what you're talking about, examples that --

MR. GORMAN: But no one is proposing that we have an extra hot wash instruction.

MR. QUDDUS: No, no.

MR. RIGGS: The extra hot that is on the labels was a concession to the European market where washing temperatures are typically quite a bit hotter than they are in the US. If we had an extra hot, you know, you could do this on a consumer level by cranking up the hot water heater, but I don't think that's a recommendation that we would want to pursue.

And probably it would be of little benefit to the types of laundry that the average American consumer does at home. The European situation is somewhat different.

MR. GORMAN: Does anybody have anything further on water temperature? No? Okay.

And also, and I think we'll start with you, Dart, on leather care issues, as we stated earlier, your organization favors labeling leather goods with an instruction for leather cleaning and refinishing by a professional leather cleaner only. And that would

include garments with trim, leather trim. I guess -- can you flesh that out, what you envision, and we'll get comments from the panel.

MR. POACH: Sure. We would love to have the proper care label on all leather garments, but in this case it would be under Appendix Number 8. As stated, right now it says have cleaned only by a professional cleaner. We use a special leather or suede care methods. And that's a -- I think most manufacturers are putting the "professional clean by a leather expert" already, so it may not be an issue.

But the big thing that is missing is the refinishing part. It's one thing to clean it, but most of these products need to go over to the refinishing department, where dyes and oils and waxes and shines and water repellancies and things of that nature needs to be done so we can make that garment as new-looking as when it was bought.

And that's the reason why we wanted to have it changed to, very simply, "leather clean and refinish by professional leather cleaner only." Whether that's trimmed with leather, suede or fur or all leather or suede.

MR. GORMAN: All right.

MR. MITRA: I do have a question. Because

under the federal regulations, textile labeling, care labeling rule, leather is not considered a textile material, so it really doesn't come under the scope of the regulation.

So what -- are you proposing that leather labeling be included as part of the care labeling rule with --

MR. GORMAN: Be clear here. We haven't made this proposal. This is a proposal that the --

MR. MITRA: No, no. I'm not asking that, I'm --

MR. GORMAN: Oh, I'm sorry.

MR. MITRA: I'm asking --

MR. POACH: Yeah. We understand that the non-textile isn't required, but under textiles that have trim, there is a requirement.

MR. MITRA: Well, the clarification, at least that we have got, is that if the majority part is textiles, you don't have to worry about the non-textile part of it, in terms of care labeling.

MR. POACH: What is the FTC stand on that? You wrote Appendix A, number 8, that states "have cleaned only by a professional cleaner that uses special leather and suede chemicals."

MR. GORMAN: I'm going to defer to you.

MR. FRISBY: The rule provision itself doesn't really address leather directly, you're referring to the appendix. But for a textile garment which could include some leather, the instruction should cover the entire garment.

MR. POACH: Right. That's the basis we're going on, what he just said.

MR. GORMAN: Comments?

MS. D'AVIGNON: I want to say, I've never heard a manufacturer complain to me about this, nor a consumer, and I get a lot of very strange consumer complaints because we have an open dialogue on our website.

So I don't necessarily see a need to change the rule or -- and as it was mentioned, it doesn't necessarily fall under textiles, so we don't normally look at it in the care labeling sense.

So I would say I don't necessarily agree with adding or changing the language.

MR. POACH: It seems to us at the PLC that most manufacturers understand and show that understanding by the care labeling that they put on there now. Because I would guess that most of the labels do state, "have cleaned by a professional leather cleaner" if it is a textile and has the leather

or suede trim. We see a lot of them coming through the dry cleaner, who I will pick up and deliver to or that most of the members of the PLCA does.

So it may not be an issue, we had just -- when we got invited to make comments, we could see that the way that it's read now, that the keyword is the word refinish. Because that is definitely an art that -- an additional layer of professionalism that the typical well-meaning dry cleaner does not have at their disposal, except through a wholesale professional leather cleaner.

MR. GORMAN: Maybe I should have asked the question of the panel this way -- is there evidence that, as things stand now, and you already spoke to this Marie, that there is a problem? That, in fact, leather-trimmed garments are not being referred to the appropriate professionals and garments are being damaged? Has anybody seen any evidence of that?

MR. CHANG: Can I make a comment on that?

MR. GORMAN: Please.

MR. CHANG: Sometimes leather trimmings come in different colors. So in order for -- at least our provider wants to sign off a release saying that, if it gets ruined, then it's your fault because you've signed off.

So this is where the consumer gets lost. It's attractive to wear, nice to look at, but then it's not serviceable. Pay $300 or whatever and you can't service it, unless they sign a release saying, go ahead and ruin my garments.

So those are the little issues that, you know, most dry cleaners face on a regular basis. And we are actually the frontline between the manufacturer and the consumers. And in many cases, it doesn't actually go through to the manufacturer, because one, we are just too busy working, and number two, sometimes it's not worth it because we can't find the manufacturer to send these garments back to. See?

So usually the wet cleaners or the dry cleaners issue what they call store credits or end up giving refunds or reject the item. So the consumer will go to another local cleaners for these garments to be serviced. Same issue. Because they're serviced by the same leather providers.

MR. GORMAN: Anyone else? Richard?

MR. FITZPATRICK: I was just --

MS. SOPCICH: I guess I would have a comment.

MR. GORMAN: Okay.

MS. SOPCICH: Unless you're going this way.

MR. GORMAN: I don't have to.

MS. SOPCICH: No, no. Please.

MR. FITZPATRICK: I was just going to say that, in terms of regular dry cleaners, servicing these types of pieces that have small amounts of leather or fur trim, we see a lot of that. We don't see as much damage as we had when perc was such a dominant solvent. With the advent of more gentle solvents, like GreenEarth, where these pieces seem to perform okay in the cleaning process. Yes, these cleaners don't have the ability to refinish a lot of this stuff, but a lot of this stuff doesn't need to be refinished. That doesn't mean that they shouldn't be using a professional leather cleaner to do it. I'm not certain it's an issue --

MR. GORMAN: Do you see evidence that an instruction is needed, an additional instruction is needed?

MR. FITZPATRICK: I don't see evidence that you need additional instructions, although that's up to you whether you want to put it.

MR. MITRA: It's very rare to see a leather trim. It's mostly imitation leather trims that we mostly see on those garments, that are not a significant portion of the product. And those are, as I mentioned, in the overall care instructions of the

product.

MS. NEALIS: We get a fair amount, and I can defer to Alan on this, of leather-trimmed garments coming into the lab for analysis. And some of it could be the price-point that drives it. Some of it could be that it was -- that they didn't catch the trim, because often times the trim doesn't jump out at you. It might be an epaulette, it might be a cuff.

Often times though, a cleaner doesn't have to be a professional leather cleaner with refinishing capabilities to handle those garments well, depending on whatever else they may have at their disposal at the plant, including maybe a good tailor that would take it off and put it back on. And that's a professional judgment call.

You know, it probably deserves some exploration, but by and large, as was said earlier, because so many of the solvents are less aggressive now, because wet cleaning offers a lot of opportunities on the leather side, the amount of reliance that cleaners put on sending stuff off to a professional leather cleaner has shifted in recent years.

MR. GORMAN: Any more comments down this way? Stacy? Mary?

MS. SCALCO: Well, I think as we've said, and

I think what Don (sic) eluded to is that the people who are making 100 percent leather garments, because they are not covered under the care label, they have come up with their own label that says take to professional leather care. So those garments are covered by the professional leather care.

It's the ones with the minimal -- if there's trim, if it's 100 percent leather trim, which I would agree, in the majority of instances that you see with a cloth garment, it's not 100 percent, except in very expensive items. Normally, it would be the imitations. And as Rich said, with the newer solvents, they can be handled. The imitations can be done at a regular dry cleaners.

MR. GORMAN: Stacy?

MS. SOPCICH: All natural skins have a basis of natural oil, so a degreasing solvent like perc is going to strip that oil. That's understandable.

But as has been said, there are alternatives. Hydrocarbon isn't a huge problem and silicon certain isn't at all. The real issue, as Dart said, which is when it's a grain leather that has been serviced, dyed or painted, then you have a problem and it needs to be addressed by a professional leather cleaner. But that doesn't mean that anything with leather on it needs to

be addressed by a professional leather cleaner with a dye booth and all the training needed to handle it.

MR. GORMAN: And Dart, I'll let you have the last word on this.

MR. POACH: It's not only the change to the cleaning, but you also have the consumer's wear-and-tear too, so some of the finishes could come off in a regular cleaning, whether it's a month old or whether it is three years old. You know, the wear-and-tear, professional leather cleaners can do. And that simple change of refinish and clean by a professional would take care of the -- protect the consumer.

And that's also the analysis -- the ones that have come in to NCA and DLI, where there's been a professional dry clean or dry clean only with this trim on it and it bled or it took all of the finish off. And it's -- the report says it's a bad label, take it back to the store. Because it says dry clean only and it didn't come out, the leather.

So if we're talking consumer protection, that would be a very easy fix to cover both of those. To expect the consumer to pay for the remanufacturing of that garment, by taking the leather trim off, they might as well buy four more of those items for the cost

that would take, if you could find anybody that would even do it.

MR. GORMAN: Thank you. We're going to move on. So there's one more issue that I'm going to through out for general comments and that is that we're proposing to update the definition of dry cleaning to remove the reference to organic solvents and to drop the reference to fluorocarbons, which are no longer used, and we are also adding additional examples of solvents.

So I guess just one question about this, one compound question about this, and this time we are going to go this way, just to mix things up. Do you support the change to the definition and why or why not? And what would you do differently?

MS. SOPCICH: Well, certainly we do definitely support the definition. GreenEarth silicone has been available since 1999, so we heartily endorse the change in the definition to nonorganic solvents. We think it's terrific and certainly in the right direction.

MR. GORMAN: Mary?

MS. SCALCO: Support.

MR. RIGGS: I would strongly endorse the idea or the wording of nonaqueous for the solvents and then

the water processes, aqueous. So you have two extremes, aqueous and nonaqueous. When you get into organic, then that gets --

MS. SOPCICH: Yeah, that's too much science.

MR. RIGGS: -- confusing in terms of the --

MR. GORMAN: Let me go back to start over and add an element to the question, which is do you support Dr. Riggs' proposal of having aqueous and nonaqueous? It's not the example, it's not the definition that we proposed. It's a little bit different, so.

MS. SOPCICH: Well, so --

MR. GORMAN: So --

MS. SOPCICH: Is there a distinction in the meaning between solvents other than a water and nonaqueous?

MR. GORMAN: I mean -- does our definition take care of it for you?

MR. RIGGS: I thought yours still had -- other word that -- what is the word that you have in there?

MR. GORMAN: A commercial process by which soil is removed from products or specimens in a machine which uses any solvent, excluding water. And then we have examples. The process may also involve --

MR. RIGGS: You could eliminate the examples

and just say nonaqueous solvents, because that excludes water itself. And you don't need the examples. The examples, which we are seeing, are changing. You know, we don't have every -- the examples are --

MR. GORMAN: Do you see a benefit to the examples?

MS. SOPCICH: I don't know. I guess it's a matter of consistency. In the past, the FTC has always based the examples on what was available in the market at the time, and so it referenced perc and petroleum specifically, because that was all that was available.

Silicone is now available. You know, Solvon K4 is a new product that seems to be having some good traction. So I think it makes sense to widen the definition and go on record with the ones that you know are commercially available.

MR. GORMAN: Right. The downside of that, I think, is that -- it's not an exhaustive list, but some people may read it that way. And if you put in the examples that are in use today, by the time it is published in the Federal Register, it will be out-of-date.

MS. SOPCICH: That's just precedent the FTC has always had, that's all.

MR. RIGGS: Our last roundtable was 1999. So

if that's our time interval, we will be out of date by the next review.

MR. GORMAN: I was doing something different at the FTC then.

MS. SCALCO: I would think, using your example there, if this is for consumer education, if the consumer would think that if it was not listed, it would not be covered, that would not be a good thing.

MR. GORMAN: Well, I don't think consumers read our the rule. They read the label.

MS. SOPCICH: You would hope we would get there with some consumer education.

MR. GORMAN: Mir?

MR. QUDDUS: I would say nonaqueous would be more general and examples probably would be more specific. So not -- generalized is probably is a better way to go.

MR. POACH: I agree on the -- I personally agree.

MS. NEALIS: Nonaqueous works.

MR. GORMAN: You don't like the examples?

MS. NEALIS: The problem with the examples is they can be limiting. And while they can also be illustrative, you know, the discussion becomes is that an exhaustive list or is that an inclusive list. And

it's -- I think for our purposes, since this part of it is, as you said, really isn't consumer-driven as much as it is label-writer driven and industry-driven, nonaqueous is probably the smarter choice.

MR. MITRA: I agree with what Nora has said. Also, the examples might be a little limiting to say that they are specific to those types of nonaqueous solutions.

MR. MANSELL: I don't have a comment.

MR. FITZPATRICK: I don't see the examples harming the definition, but if they weren't included, I also don't think there would be any damage.

MS. D'AVIGNON: I think updating the definitions to today's standards is certainly important, to keep up with the times and technology that we have, but I'll leave the aqueous discussion to the cleaners.

MR. CHANG: I think we are all of us really familiar with water. What do we do with water? I use water to clean my baby's bottom. I'm sure that you guys with kids would have done that. And it's the safest form of cleaning solvent. The reason I call it a solvent is because it's a chemical composition, H2O. A really simple chemical that we use to clean everything.

And as far as the garment care process is concerned, Chang's has been cleaning silk garments for thousands of years without any issues or problems. Leathers were cleaned using water. Wools were cleaned -- look at Irish, with their kilt, right? So if you look at really -- think about what water can do. We have a representative from K4, from a silicone-based. We don't have any representatives for water here, because -- I'm almost done.

MR. GORMAN: I was going to say, we've had professional cleaners.

MR. CHANG: I'm talking about in terms of the chemical, water. So water is very cheap, inexpensive. We don't require any annual commitment. There is no fines to be paid, there is no EPA to be concerned about, and there is no hazardous waste that we create. And we don't have any hazardous materials that we create to be dumped somewhere else.

As I heard everyone talking today, everyone has some sort of a sense as to the point that water cleans things very well. And there is another saying that in order to get rid of a lot of the grease stains, that we have to use solvent and talk as if we are creating some sort of a hazardous situation in our store. But if you really look at it carefully, there

are many different home remedies or some very simple citric chemicals or fruits that you can use to get rid of oil-based stains.

So if you -- instead of just looking at it as to how bad wet cleaning is and therefore we are going to put it aside, not as a dry cleaning or a professional wet cleaning, think the other way. Look how many people have cleaned their items using water. Thank you very much.

MR. GORMAN: All right. Thank you. At this point, we are going to open it up for questions. I think basically everything is fair game right now. Well, everything to do with the care labeling rules.

Wait for the mic, please. Thanks.

MR. MATTHAI: This is Paul Matthai again, from the EPA. I just wondered, are you making the distinction between suede and bonded leather or not -- leather that would --

MR. POACH: Top grade.

MR. MATTHAI: Top grade leather. Is there a difference in the process? Because I don't think you mentioned that. What about the processed leather that is, I don't know, probably chewed up and then reglued back together? Is that part of that or is --

MR. POACH: No. The PLC represents -- well,

you wouldn't say real leather, you would say genuine leather and suede.

MR. MATTHAI: And suede.

MR. POACH: Right.

MR. GORMAN: Anyone else? All right. Any of the panelists have any parting thoughts that they want to share? It's been a long day and I really appreciate that we've gotten some really good input and good evidence. Everybody has been cordial and thoughtful of each other's points of view. I think it's been an excellent panel.

MR. FITZPATRICK: I'd just like to add -- and maybe this was clarified and I missed it, but what is the FTC going to do, or what are they thinking about doing, in order to stay current with the standards as they are published? Is that -- have you guys -- what is your position on that? Are you going to allow an automatic adoption of current standards with an ability to veto it or are you going to require that every new standard written has to be approved of, you know, through some committee?

MR. GORMAN: I'm going to have Robert direct me here. I might make a mistake.

My understanding, and first of all, I'm not speaking for the Commission, neither of us can speak

for the Commission. We can make a -- we will eventually make a recommendation to the Commission and then they'll act. That's the standard disclaimer.

There is a problem, as I mentioned, and this is based on my work in areas other than this rule, there is a problem with us referencing future standards. It's a delegation problem and our general counsel's office has suggested to us that we can't refer to -- we can't sort of peg it to something that doesn't exist yet. We can't peg our regulations to something that doesn't exist. Is that your understanding as well?

So it makes a lot of sense, on a lot of levels, to just say we will peg our rule to the standards as they are updated, as the ASTM standard or whatever standard, as it is updated over time. You know, this is a nice, reliable body and we're sure they'll get it right. And it's probably what we'll end up doing anyways if we thought about, but we can't do that. It's just not allowed. Yes?

MR. MITRA: It's a different question, not related to what he has asked. Would the FTC consider, in the new -- as you are revising the care labeling rule, to provide more specifics on what is considered as the useful life of the product for permanent care

instruction?

MR. GORMAN: Robert, do you want to answer that?

MR. FRISBY: I don't recall much in the record about that issue, but the record is open until the 11th and if you think we need to address it, please let us know.

MR. MITRA: Yeah. And these are general questions that we, as a testing laboratory, face. And some specifics on what types of products really need ironing. Like we wouldn't put an ironing instruction on underwear, as opposed to a dress shirt, for example.

These are more specific instructions, but there are so many different garments. And I know you referred to, in Europe -- and I know you are representing the UK Fashion & Textile Association, fashion is changing every season. So we get some areas where we are really confused, should we put an ironing instruction as needed or not? Because the FTC rule says for the ordinary use and enjoyment of the product, which can be interpreted in multiple ways, or at least two different ways.

MR. GORMAN: I think this is another topic on which we really haven't received comment. I can't stress enough how important it is that, if you have

areas of concern, that you submit comments. And the more evidence that you can submit that addresses the costs and benefits, not just that identifies an issue, but also that proposes a solution and addresses the costs and benefits of the solution, and not an outdated solution, if you will. We need a record to be able to make any change.

MR. QUDDUS: What happens next? So like, what we discussed, what happens next?

MR. GORMAN: Well, at this point, there's two branches we can take in the road. We can issue a staff report, where we make a -- the staff makes a final recommendation, essentially to the Commission. It is not published by the Commission, it is published by the Bureau of Consumer Protection. And then there would be another opportunity for a comment on that staff report. And then it would go back -- another recommendation would be made to the Commission on a final rule.

The other possibility is if there are things that come out of this roundtable, in the last round of comments, that would require us -- would lead us to propose staff to propose something that wasn't encompassed by our previous proposal, I believe we would have to go out with another Notice of Proposed Rulemaking, to allow comment on that.

And then somebody could ask for another hearing, then a staff report. It's a long process.

This is -- we have two types of rulemaking at the FTC. We have APA rulemaking, which is a little more streamlined, where Congress specifically passes a law, like they did with the Textile Act, that gives us authority to promulgate -- Congress gives us the authority to promulgate rules. And that doesn't have some of these extra features like hearings and staff reports.

And then we have what is called Magnuson Moss, which is an old statute on rulemaking, which is what we're acting on now. We are basically proposing the rule, or revisiting the rule, based upon our general deception and fairness authority under Section 5 of the FTC Act. Where we would have to show prevalence and so on. The stuff that Professor Sinsheimer did a nice job going over the standards. Whereas with the APA rule, Congress tells us what the standards are and we do that.

But you're not going to be seeing a final ruling right from this roundtable. The next step with either be a staff report or a new proposed rulemaking.

MR. QUDDUS: So the staff report goes where? Like, it goes --

MR. GORMAN: It's published. It's published. I don't quite understand the reason for this extra step, but essentially it is not a statement of the Commission, it is a statement of the staff, but it is published in the Federal Register, or at least it is put on our website and announced so that people can -- and comments are solicited to it. And then based on those comments, we then would make a recommendation of a final rule to the Commission.

MR. QUDDUS: So how long is this staff report time and then the next one?

MR. GORMAN: It depends. I'm sorry. We're leaving the -- you know, we should be much further along than we are now, but for the government close down, for the shutdown, for example. You know, we are several months behind and a very serious concern came up with the rescheduling of this meeting. I don't know how many of you talked to Robert, sort of during the planning of this, that we would schedule it on a day which we would have snow, which was prescient. Because I think several of the days we were batting around ending up being government closedown snow days. So you all would be meeting on the sidewalk by yourselves again. We're not allowed to have -- we can come in and work, but we're not allowed to have public events when

the government is closed. So that pushed us back a little bit.

The record now is open until April 11th. You know, it takes time and we are balancing a lot of other work and other priorities, but we've take this very seriously. But we have to go through all of the comments and then the recommendation will have to be made up through our chain of command. And people have to be convinced and our Bureau of Economics weighs in.

So how long do you think? It takes several months? It depends. I'm sorry.

MR. QUDDUS: It's okay.

MR. GORMAN: I'm trying to be as detailed and honest as I can, but there are so many moving parts.

MR. QUDDUS: So will you need any more -- for the case that we are making, would you be needing more information, that would be a different communication going forward or is it --

MR. GORMAN: Well, I mean, I think -- I don't have the checklist in front of me, but there were a lot of really interesting points made throughout the course of the day and people have had different perspectives. Going back to just this sort of, should wet cleaning be a permitted instruction or a required instruction. You know, there is some data on costs, there is some

consumer perception data, which is very helpful, which was submitted. There may be some other consumer perception testing that could be done on how to change the dry clean instruction on the tag so that people understand it to comport what the rule actually -- what it is meant to mean as opposed to what they understand it to mean. And there's all sorts of evidence that identify, types of useful evidence, that we identified in our previous notice. And then there are things that have come up in the discussion today and in the new evidence that was submitted earlier today that can be fleshed out.

So you know, you need to decide, with your organizations and the issues that are important to you and your position on that issue, you know, how can I make the best record to support this. We don't have a lot of discretion. I mean, there has to be evidence showing that, especially where we are -- if we are imposing new burdens, there has to be evidence to show that it's justified, that we're curing a deceptive or unfair practice that is prevalent and that, you know, the costs don't outweigh the benefits, essentially. I mean, that's not a very nuanced description, but that's the gist of it.

So if you have -- anecdotal evidence is nice,

but sort of saying that this is our position because it would be good for our group is, you know, informative but data is best.

MS. SOPCICH: I have a question, piggy-backing on Richard's question. Because it's understandable why the FTC would not want to change policy, that's certainly a much bigger issue than the purview of this panel, but in the specific case of the care labeling rule, where it is now clear that both the ISO and the ASTM are proposing to, you know, recognize alternative solvents in the way that they write their standards and their definitions and the test methods that support them, where is that in the consideration of the FTC?

I mean, I spoke earlier about the idea of keeping the rulemaking record open long enough to allow it to not point to a rule that can't de facto not support the -- if the rule is being modernized to say any solvent other than water, but the standards that it points to only recognize perc and petroleum, the whole effort that we've been through and the process to modernize the rule seems to be moot.

MR. FRISBY: Does anyone know when those revised standards are due to come out? Or is that difficult to predict?

MS. SOPCICH: Well, I mean, it will depend on vote. I mean, Jenn, you could speak to that.

MS. HARGRAVE: Stacy is correct. It will depend on the results we get from the ballots. It could be 30 days or it could be 60 days. 30 days or 60 days. Or if it takes longer than that, if they have to re-ballot, but it's out to ballot right now.

MR. FRISBY: I mean, the Commission may well decide that it's prudent to wait for those developments and to look at those standards before the next step. And the Commission might decide that this rule should be reviewed more frequently than it has been. Those are the decisions that we would -- that it would make.

MR. GORMAN: It's actually a -- Rob has raised an interesting question. And maybe as a show of hands, do people think that this rule should -- normally, our regulatory review program is -- and this isn't required by law, this is something the Commission is undertaking into their process rules, is we review rules every ten years. Sort of like I take a bath every Saturday, whether I need it or not.

Should it be done more frequently for this rule? Show of hands?

MS. SOPCICH: Yes.

MR. MATTHAI: I have another proposal. How

about if any significant changes --

MR. GORMAN: Can you wait for the microphone, please?

MR. MATTHAI: I personally think that time is not the focus. It should be if any significant new technology or new processes or new demands come up. Because it could be a year-and-a-half or we may have to wait five years or ten years and then you're playing catch-up.

MR. GORMAN: Well, we do have discretion to review more frequently. And certainly this happens a lot in other rules. I work on the appliance labeling rule, for example, where there is constant mini-reviews under way and a lot of it's because the Department of Energy changes the standard or a new technology comes out and we get a petition. You know, industry members can petition for specific changes, there's a provision for that as well. Yes?

MR. RIGGS: It was very beneficial many years ago when the FTC actually had an FTC employee involved in attending ISO meetings, ASTM meetings, AATCC meetings. That kind of an involvement from the FTC would keep you abreast of what kinds of changes are occurring in the industry.

I might also comment on Stacy's question.

When it comes down to looking at revising a test method to incorporate another solvent, that's an expensive process. To come up with a test method, you have to have inter-laboratory correlations using some standard fabrics, standard garments. We were fortunate, in terms of ISO 3175, part 4, the wet cleaning, that there was some funding in Europe for an aquacarb project. We had some funding from EPA and Design for the Environment project, that allowed us to get involved in doing that, but it's a very expensive process to look at a test method and determine, if we add this solvent or what other material we might add, what are the testing parameters to generate inter-laboratory correlations that are reproducible. You know, we need to have reproducible test results so we know what we're talking about, in terms of how you test it.

You know, the anecdoctal test of having a wet cleaner clean it is not really going to meet the test of inter-laboratory correlations. You have to get the same results in every wet cleaner throughout the country, so you need a test according to a standard test method, 3175, and those are expensive to finance.

I think it unfortunately has to come down to the solvent vendor to do a lot of the financing to get the test methods modified.

MR. GORMAN: Well, going to the first thing you said, about an FTC staff person attending these meetings, I think that if we were the -- care labeling textiles, wool, leather, fur, is a small part of what the care Commission does. What the Bureau of Consumer Protection, which is only half of the mission of the Commission, we also have antitrust half, does is we have about 1,000 employees and we have general jurisdiction over basically all commerce. We do a lot of antifraud work, we do a lot of financial sector work, we do advertising stuff, and we do these rules, to be taken very seriously. Realistically, I think we've broadened certain parts of our portfolio. We didn't used to have a division of privacy information protection, which is obviously a very important issue right now, which wasn't an issue 20 years ago. But we simply probably don't have the resources to dedicate something to that.

MR. RIGGS: At the same token, if you are going to promulgate a rule on care labels, you ought to have staff involvement in the process for the AATCC, ASTM, ISO to review those care label --

MR. GORMAN: We rely on the notice and comment for that, and your wise counsel. Thank you. Any other --

MR. CHANG: If I can make a comment on Dr. Riggs' comment about the standard and testing. Like I said earlier, the dry cleaners and professional wet cleaners are actually on the frontline to clean these garments on a regular basis. In a lab, everything is perfect for the testing, but in the real world, things are not the same.

For example, Arizona, summertime, 120 degrees, your machine really heats up, so does your solvent. Of course, there is a refrigeration system to cool it down, but the solvent is still too hot to clean. So these are the little, simple examples.

So in a test lab, it's great. But in the real world, it's not. So a lot of it has to do with the operator, how well they are trained, do they really understand their system? So with that in mind, thank you.

MR. GORMAN: Yes.

MS. NEALIS: Just one other point, with regard to how often it should be looked at. I think, for many years, not looking at it was a nonissue because the industry was relative static, the technology was static.

But in recent years, there has been a lot of change. And I would anticipate that, in the coming

years, there will continue to be a lot of change. So -- and one of the happy things about change is that if you don't react quickly enough to it, by the time you get around to it, the problem has already either solved itself or become unsolvable. So I think we need to -- or you guys need to keep a close eye on this because it's -- once you declare it done, it's still not going to be done, at least not as a reflection of the real world.

MR. GORMAN: Thank you. And that is something that we had noted amongst ourselves before, which is there has been, after a long period of not a lot of change, a lot of change.

MS. NEALIS: Mm-hmm.

MR. GORMAN: And thank you all for helping us catch up.

I think I have time for one or two more comments before closing remarks. I see we have a hand up over here.

MS. HARGRAVE: In regard to the earlier discussion about the reasonable testing, I know Kim mentioned that her company does not test a full garment and I really -- you know, we do testing for multiple retailers and brands, both people who are just selling in the US and also internationally, as do my other

colleagues here, and that really is the minority. We find that the vast majority of our clients do test at the fabric stage and at least one garment stage. We do have some that do like a pre-production and also production testing, but the most common test process would be to do it at a fabric stage and a full garment stage, looking at the components, the seams, the fabric, all together.

MR. GORMAN: One more? No? Well, Robert. Closing remarks?

MR. FRISBY: I think that concludes our roundtable. We want to thank everyone for coming and for sharing their expertise with us and their viewpoints.

I want to remind everyone that the record -- I think we've mentioned this a few times, the record is open until April 11th and we welcome additional comments about the issues that were discussed at the roundtable or other issues of concern to you all.

And we do plan to post the presentations from Peter and Charles on our web page. I'm not sure when that will happen, but it will happen soon, once we get that electronically.

And I think that's it. Thank you all.

(Whereupon, the proceedings

concluded at 3:45 p.m.)