



# Talking Trash at the FTC: **Recyclable Claims** **and the Green Guides**

AN FTC WORKSHOP

May 23, 2023

## SPEAKER BIOS

**Kate Bailey** is the Chief Policy Officer for the Association of Plastics Recyclers (APR). APR is the only U.S. trade association focused exclusively on growing and sustaining the plastics recycling industry. APR members are the entirety of the plastics recycling industry from design to collection to recovery to remanufacturing. Kate has nearly 20 years of experience working with state and national legislators, government staff, consumer goods companies, NGOs, and other stakeholders to implement actionable, effective solutions to improve recycling. She has championed numerous local and state policies, including Colorado's groundbreaking Producer Responsibility for Packaging program. Kate previously served as the Policy & Research Director for Eco-Cycle, a nonprofit pioneer in recycling operations. She is based in Colorado.

**Peter Blair** is the Policy Director for Just Zero. He is an environmental attorney and Zero Waste policy expert. He leads Just Zero's legislative and policy work to implement just and equitable solutions to unsustainable waste management practices. An accomplished environmental advocate, Peter has helped enact laws, policies, and regulations that phase out single-use plastics, improve recycling programs, and hold polluters accountable for the waste they create. Prior to helping launch Just Zero, Peter worked for several environmental non-profits. Peter is licensed to practice law in both Oregon and Maine.

**Sarah Dearman** is the Chief Innovation Officer for The Recycling Partnership, a nonprofit organization solving for circularity by mobilizing people, data, and solutions across the value chain to unlock the environmental and economic benefits of recycling and a circular economy. Sarah leverages her corporate, government, and nonprofit experience to build collaborative, action-oriented initiatives that advance the system. Before joining The Recycling Partnership, Sarah led sustainable packaging at Coca-Cola and worked at the Georgia Department of Natural Resources where she managed the governor's conservation program.

**Peter DePasquale** is Vice President of Government Affairs for Keurig Dr Pepper (KDP), a leading beverage company in North America with annual revenue of more than \$14 billion and approximately 28,000 employees. KDP's portfolio of more than 125 owned, licensed and partner brands is designed to satisfy virtually any consumer need, any time, and includes Keurig®, Dr Pepper®, Canada Dry®, Clamato®, CORE®, Green Mountain Coffee Roasters®, Mott's®, Snapple®, and The Original Donut Shop®. With nearly 15 years of experience leading advocacy strategies for Fortune 500 companies, DePasquale is responsible for overseeing KDP's public policy engagement activities. His work advances public policies at the state and federal level that align with and enable KDP's "Drink Well. Do Good." corporate responsibility platform, encompassing the environment, supply chain, health and wellbeing,

and people and communities. DePasquale received his J.D., magna cum laude, from the New England School of Law and his B.A. in Corporate Communication from the College of Charleston.

**Julia Solomon Ensor** is an attorney in the Enforcement Division of the Federal Trade Commission's Bureau of Consumer Protection where she works on a variety of compliance and enforcement matters, including environmental marketing and "Made in USA" matters. Prior to joining the FTC in 2010, Ms. Ensor was an Associate at King & Spalding LLP in Washington, D.C. Ms. Ensor holds a Bachelor of Arts from Yale University, and a Juris Doctor from the University of Pennsylvania Law School.

**Anne Germain** is the Chief Operating Officer & Senior Vice President of Regulatory Affairs for the National Waste & Recycling Association (NWRA) responsible for establishing and implementing strategies for recycling, landfilling, and sustainability. She has over 30 years in the waste and recycling industry that includes extensive background analyzing industry trends, contracting, engineering, operations, and compliance. Prior to joining NWRA, Anne was Chief Engineer with the Delaware Solid Waste Authority (DSWA). Anne is a Past President of the Solid Waste Association of North America (SWANA) and serves on the executive committee of ABET and is a trustee-at-large for the American Academy of Environmental Engineers and Scientists (AAEES). She is a professional engineer and a Board-Certified Environmental Engineer with a Master in Civil Engineering from the University of Delaware and a B.S. in Civil Engineering from Virginia Tech. In 2020, she was recognized by MSW Management with their legacy award and in 2023, she was named to the inaugural class of Waste360's 2023 Women Who Inspire.

**Jeffrey A. Greenbaum** is the Managing Partner of Frankfurt Kurnit Klein & Selz and a partner in the firm's Advertising Group, where he represents advertisers, advertising agencies, media companies, online platforms, and others on advertising, branded entertainment, and intellectual property matters. He also serves as the Chairman of the Global Advertising Lawyers Alliance. In addition, he is a member of the Board of Directors of the International Advertising Association and serves as Chair of the IAA's Public Policy Council. He is also currently serving as the Chairman of the Jury for the International Council for Advertising Self-Regulation's Global Awards. *Best Lawyers in America* has twice named him "Advertising Lawyer of the Year" for the New York metro area.

**Michel Grosz** is an economist in the Division of Consumer Protection in the Federal Trade Commission's Bureau of Economics, where he works on a variety of consumer protection matters. Prior to joining the FTC he was a Senior Analyst at Abt Associates and a Research Associate at the Urban Institute. He holds a BA from Pomona College and a PhD in Economics from the University of California, Davis.

**Karen Hagerman** is the Director of How2Recycle at GreenBlue. In this role, she leads the growth and development of the How2Recycle team and program, working with companies to further the adoption of clear and consistent on-package recyclability labeling. She brings a passion for engaging

stakeholders across disciplines to work towards changing the way we interact with the environment. Her work at GreenBlue has included developing, launching, and facilitating SPC Collaboratives and building out work on policy and Extended Producer Responsibility. After a nine-year career in operations and program management as a CH-53E Helicopter Pilot in the Marine Corps, Karen shifted her energy towards addressing plastic pollution and responsible resource usage. She earned her MS in Sustainable Engineering from Villanova University, with a focus on circular and resilient systems. Karen holds a BS in Aerospace Engineering from the United States Naval Academy.

**Brian Hawkinson** is American Forest & Paper Association (AF&PA) Executive Director, Recovered Fiber. In this role, he manages issues and programs that promote increased paper recycling and maintain member company access to mill-quality recovered fiber for use in manufacturing new pulp, paper and paperboard. Before joining AF&PA, he held leadership positions with: Hawkinson Group, LLC, where he helped AF&PA establish the Paper+Packaging Board; and Public Affairs Council, where he led the organization's management consulting practice, helping members adapt effective practices that improved corporate public affairs operations. Brian is a former adjunct faculty member of The George Washington University's Graduate School of Political Management. He is also a past member of the boards of directors of The Recycling Partnership and the National Recycling Coalition. Brian holds a BBA from James Madison University and an MBA from the Pamplin College of Business at Virginia Tech.

**Kim Holmes** is the owner and principal consultant of 4R Sustainability, a consulting firm dedicated to working with industry to advance recycling and sustainability goals. Kim works with clients to drive innovation to meet voluntary sustainability goals. Where regulation or mandates exist, 4R works with clients to ensure they are in compliance with the changing legislative landscape. Prior to relaunching her firm, Kim was the vice president of sustainability for the Plastics Industry Association, where she developed new models for testing end market development and collection methods for a wide range of recycled plastic feed streams. In her free time, she enjoys paddleboarding, hiking and biking with her family in the beautiful Pacific Northwest.

**James Kohm** is the Associate Director for the Enforcement Division of the Federal Trade Commission's Bureau of Consumer Protection. In that capacity, he oversees enforcement of all consumer protection orders, the Commission's Green Marketing program, Hispanic Initiative, Bankruptcy program, Criminal Liaison Unit, and a myriad of FTC Rules and Guides. Prior to joining the Enforcement Division, Mr. Kohm served as the Bureau's Chief of Staff with responsibility for the Commission's seven regional offices, and as both the Acting Associate Director and an Assistant Director in the FTC's Division of Marketing Practices. Mr. Kohm received his undergraduate degree from the University of Michigan and his Juris Doctor from the Georgetown University Law Center.

**Laura Koss** is an Assistant Director in the Federal Trade Commission's (FTC) Division of Enforcement. In addition to her extensive work on the Green Guides, Ms. Koss has supervised and worked on a variety of FTC rules, guides, and projects, including the Jewelry Guides, the Negative Option Rule, the Energy

Labeling Rule, and the Made in USA Rule and enforcement. Prior to working at the FTC, Ms. Koss was an associate at Crowell & Moring in Washington, D.C. Ms. Koss holds a Bachelor of Arts from Cornell University and a Juris Doctor from Harvard Law School.

**Patrick Krieger** is the Vice President, Sustainability at the Plastics Industry Association. Within this role he supports the plastics industry and the association's members by promoting and advocating for plastics as the sustainable material of choice. He leads the association's initiatives to promote a circular plastics economy, eliminate plastics waste in the environment, and to use resources responsibly. He has successfully managed several projects to develop new markets for traditionally difficult to recycle plastic materials, including in the medical, automotive, and packaging industry. He manages Operation Clean Sweep, the largest international plastics stewardship program which focuses on eliminating plastic resin loss throughout the supply chain. He joined the PLASTICS in March 2015 and previously worked for the Animal Health Institute. He graduated from Texas A&M in 2007.

**Raissa Lerner** is a Deputy Attorney General with the California Department of Justice, Attorney General's Office, Environment Section. She first joined the Environment Section in 1998 and served until 2016, representing state agencies and the People of the State of California in cases concerning environmental quality, plastics pollution, endangered species, and greenwashing. She rejoined the Environment Section in 2022 to support its work on plastics pollution and greenwashing. Prior to joining the California Attorney General's Office, Ms. Lerner litigated Proposition 65 cases on behalf of the Natural Resources Defense Council in San Francisco, and clerked for several trial and appellate judges in Boston. She is a graduate of Amherst College and Harvard Law School.

**Hampton Newsome** is an attorney with the Bureau of Consumer Protection at the Federal Trade Commission. His primary duties involve energy-related consumer labeling and green advertising claims. Before coming to the FTC, Mr. Newsome worked at the Nuclear Regulatory Commission where he specialized in environmental law and nuclear materials issues. He received his undergraduate degree from Duke University and his Juris Doctor and master's degree in planning from the University of Virginia.

**Bonnie Patten** is Executive Director of Truth in Advertising (TINA.org), a nonpartisan, nonprofit consumer advocacy organization whose mission is to combat deceptive advertising and consumer fraud; promote understanding of the serious harms commercial dishonesty inflicts; and work with consumers, businesses, synergy organizations, self-regulatory bodies and government agencies to advance countermeasures that effectively prevent and stop deception in our economy. Since its inception, TINA.org has pursued hundreds of legal actions, published more than 2,000 articles, and tracked more than 4,000 federal class actions alleging deceptive marketing. State and federal agencies have obtained more than \$250 million from wrongdoers based on TINA.org's legal work, and returned millions in ill-gotten gains to consumers. Ms. Patten has testified before Congress on issues related to consumer protection, deceptive marketing and economic justice, and she is a regular commentator on

marketing and advertising issues in the media. She is the 2019 recipient of the Florence Kelley Consumer Leadership Award from the National Consumers League. She earned her J.D. from Boston University and her B.A. from the University of Pennsylvania.

**Adam Riedel** is the Manager of the Environmental Management Office in the Arlington County Department of Environmental Services. He oversees the Arlington County solid waste management programs, including trash, recycling and organics collection and disposal. Prior to joining Arlington County, Mr. Riedel was an environmental attorney in private practice and academia. He earned his J.D. from Duke University School of Law and his M.A. in Environmental Science and Policy from Duke University Nicholas School of the Environment. He received his B.A. from The George Washington University.

**Michelle Schaefer** is an attorney in the Enforcement Division of the Federal Trade Commission's Bureau of Consumer Protection where she handles numerous matters on behalf of the FTC and consumers including litigating federal court cases, investigating violations of FTC law, and monitoring compliance with and enforcing litigated court orders. Prior to joining the FTC in 2013, Ms. Schaefer was Of Counsel at DLA Piper in Washington, D.C. Ms. Schaefer holds a Bachelor of Arts from Tufts University, and a Juris Doctor from the Case Western University School of Law.

**Kaelah M. Smith** is an Assistant Attorney General in the Environment Section of the Connecticut Office of the Attorney General. She is a 2013 graduate of UConn Law, where she served as co-Symposium Editor of the UConn Law Review. Before joining the Office of the Attorney General, she worked in private practice in Hartford, Connecticut.

**Anthony Tusino** is senior program officer for plastic policy advocacy at WWF, focusing primarily on pathways to mitigate plastic pollution, incentivize the use of recycled materials and ensure protections for local communities and environments. This includes working with federal and state governments to implement necessary reforms to our recycling system and pairing WWF's strategic private sector engagement with public sector action. Anthony serves on the steering committee of the U.S. Plastics Pact, a convening of over 100 organizations to combat plastic waste, and co-leads the Pact's policy workstream. Anthony also leads OneSource Coalition, a convening of corporate, non-profit and expert partners who advocate for policies to implement a circular economy.

**Eric Unis** is a Senior Attorney at BBB National Programs' National Advertising Division (NAD). At NAD, he has authored dozens of decisions in cases involving a wide range of products and industries, including food and beverages, OTC drugs, dietary supplements, personal care products, telecommunications, and automobiles, including several cases involving environmental benefit claims. In private practice representing clients in a wide range of industries prior to joining NAD, Eric focused on complex commercial litigation, consumer class actions, government investigations, consumer

product safety issues, and advertising and marketing law. Eric is a graduate of New York University and Georgetown University Law Center.

**Dr. Quinta Warren** is associate director of sustainability policy at Consumer Reports (CR), where she leads the legislative, regulatory, and corporate engagement strategies for sustainability on behalf of consumers. At CR, she co-authored a major survey report on consumer attitudes toward electric vehicles and low carbon fuels. She testified before Congress about the consumer benefits of the historic clean energy provisions in the Inflation Reduction Act, and she has advocated for reforms such as improvements in federal fuel economy and emissions standards, as well as California's landmark Advanced Clean Cars rule. Prior to joining CR, Dr. Warren developed novel carbon capture methods with ConocoPhillips, managed carbon management and power generation policy at the U.S. Department of Energy, helped develop energy projects in emerging economies at the Millennium Challenge Corporation, and launched her own firm, Energy Research Consulting. She holds a PhD in chemical and biomedical engineering from Georgia Tech and a bachelor's degree in chemical engineering from Penn State.